



Journal of the Senate

Number 29

Wednesday, May 17, 1978

The Senate was called to order by the President at 9:00 a.m.
A quorum present—39:

Mr. President	Gorman	Peterson	Thomas, Pat
Castor	Graham	Plante	Tobiassen
Chamberlin	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil
Gordon	Myers	Thomas, Jon	

Excused: Periodically, conferees on SB 1100—Senators Lewis, Gordon, W. D. Childers, Peterson, Plante, Spicola, Trask, Hair.

Prayer by Reverend Quentin Edwards, pastor, First Assembly of God Church, Winter Haven:

Our Father in Heaven, we're so grateful that we can call upon you. You are great and worthy, to be praised. History in our own experience has enabled us to see your guidance in the affairs of nations and individuals. We do not need to doubt your power and your desire to guide us even today. And according to your holy word, nations rise and fall by your permission. And we need you so very much in our own lives because people get the government they deserve and because the powers that be are ordained of you. I humbly ask today that our Senators, your servants, will seek your guidance and your help and that today we can recognize that all of us are available to you to be a blessing to Florida and to our world. Help us to be able to see the need around about us and yet, also by faith, to see that the solution to those needs can come from your guidance. We bow before you and we thank you that you are very real and that you are concerned about us. We humbly ask all of these things for Christ's sake. Amen.

The Senate pledged allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

Your Committee on Rules and Calendar respectfully recommends revisions of Senate Rules 2.1, 2.10, 2.11, 2.12, 2.14, 2.15, 2.19, 2.23, 2.28, 2.32, 2.35, 2.36, 2.48, 2.49, 3.7, 3.8, 3.11, 4.4, 4.7, 4.10, 4.11, 4.12, 4.13, 4.15, 4.16, 4.17, 5.2, 6.4, 6.5, 6.8, 7.2, 7.8, 7.9, 8.5, 8.6, 10.4 and 13.5 attached hereto and by reference made a part of this report.

The vote of the committee was unanimous.

Respectfully submitted,
W. D. Childers, Chairman

On page 20, the last sentence of the second paragraph of Rule 2.1 is amended to read:

The advisory reports by select subcommittees whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those present.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 23, Rule 2.10 is amended to read:

Rule 2.10—When, where committees meet

Each committee or subcommittee, standing or select shall meet in the place and within the time assigned for its use

by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar and the Sergeant at Arms for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 23, Rule 2.11 is amended to read:

Rule 2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his aide or committee staff member, or any other representative having written permission to speak for the bill. Unless a majority of the committee members present shall decide otherwise bills shall be considered when reached on the committee agenda notwithstanding the absence of the sponsor or anyone authorized by these Rules to appear on his behalf.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 23, Rule 2.12 is amended to read:

Rule 2.12—Order of business

Bills shall be considered in the order appearing in the notice required by these Rules, except that the chairman may, in his sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

A bill shall be considered out of its order on the committee calendar on unanimous consent of those present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those present shall orally give the committee not less than fifteen (15) minutes' notice of his intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his purpose, and unanimous consent of those present shall be given or refused without further debate.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 24, the first sentence of Rule 2.14 is amended to read:

Rule 2.14—Time for consideration of bills

A bill that has been introduced and referred to committee can be removed only on motion of the sponsor and by a two-thirds (2/3) vote of those the membership present and voting.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 24, the third paragraph of Rule 2.15 is amended to read:

All matters referred to standing committees shall be reported by said committees with their recommendations; and after such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except

by two-thirds (2/3) vote of *those the Senators present and voting in session*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 27, the second paragraph of Rule 2.19 is amended to read:

Rule 2.19—Conference committee in deliberation

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers *present* on the part of each House.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 28, Rule 2.23 is amended to read:

Rule 2.23—Chairman's authority; appeals

The chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. He shall decide all questions of order, subject to an appeal by any Senator and the appeal shall be certified by the chairman to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chairman may, or on the vote of a majority of the committee *members present* shall, certify a question of parliamentary procedure to the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 29, the second sentence of the second paragraph of Rule 2.28 is amended to read:

After the results have been announced, a Senator with unanimous consent of *those present* may change his vote or vote.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 30, Rule 2.32 is amended to read:

Rule 2.32—Motions; how made, withdrawn

Every motion may be made orally. On request of the chairman, a Senator shall submit his motion in writing. After a motion has been stated or read by the chairman, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee *members present*. The mover may withdraw a motion, except a motion to reconsider at any time before the same has been amended, or before a vote shall have commenced.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 31, Rule 2.35 is amended to read:

Rule 2.35—Reconsideration generally

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a

special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of *those present*. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 31, Rule 2.36 is amended to read:

Rule 2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee present ~~and voting~~ shall be required to adopt a motion to reconsider.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 34, Rule 2.48 is amended to read:

Rule 2.48—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of *those the Senators present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 34, the third sentence of Rule 2.49 is amended to read:

If the question is decided in the affirmative by a two-thirds (2/3) vote of ~~the Senators~~ *those present*, the debate shall be limited accordingly.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 37, Rule 3.7 is amended to read:

Rule 3.7—Introduction during session

To facilitate processing and committee referencing, all bills shall be delivered to the Secretary of the Senate no later than 12:00 noon of the fourth day (excluding Saturday and Sunday) preceding the day of introduction. This Rule may be waived only on unanimous consent of *those present*, but the motion shall not be entertained until the mover notifies the Senate orally, not less than thirty (30) minutes preceding the motion, of his intention to move for the waiver of this Rule so as to have introduced a specific bill or bills sponsored by him. The adoption of such motion shall be construed as reverting the Senate to the Order of Introduction and Reference of Bills solely for receiving said bill or bills for formal introduction and reference.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 38, the fifth paragraph of Rule 3.8 is amended to read:

Rule 3.8—Prefiled bills

Notwithstanding these Rules, a Senator may, during the day of introduction of prefiled bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of *those present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 39, the second sentence of Rule 3.11 is amended to read:

Such motion may be adopted by a majority vote of *those present*, provided the House measure is on the same reading;

otherwise, the motion shall be to waive the rules by two-thirds (2/3) vote of *those present* and read such House measure.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 42, the first six sentences of Rule 4.4 are amended to read:

Rule 4.4—Committee of the Whole

By a majority vote of ~~all Senators~~ *those present*, the Senate may, resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of the ~~members~~ *those present*, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only on two-thirds (2/3) vote of ~~the Senators~~ *those present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 44, Rule 4.7 is amended to read:

Rule 4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except on two-thirds (2/3) vote of *those present* ~~the membership of the Senate~~. If a committee reports a committee substitute favorably, other committee consideration shall be directed to the substitute and not to the original.

(This amendment constitutes a change in the vote requirement of this rule.)

On page 45, Rule 4.10 is amended to read:

Rule 4.10—Reference to different committee or removal

When the President has referred a bill, a Senator may, no later than under the Order of Business of "Motions Relating to Committee Reference" on the following legislative day on which the Senate meets, move for reference to a different committee or for removal from any committee. This motion may be adopted by a two-thirds (2/3) vote of *those present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 45, Rule 4.11 is amended to read:

Rule 4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of ~~the Senate~~ *those present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 45, the first sentence of Rule 4.12 is amended to read:

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless two-thirds (2/3) of ~~the Senators~~ *those present* decide otherwise.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 46, Rule 4.13 is amended to read:

Rule 4.13—Reading of concurrent resolutions and memorials

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless two-thirds (2/3) of the ~~Senators~~ *those present* decide otherwise. If the reading on the second day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second time by title only.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 46, Rule 4.15 is amended to read:

Rule 4.15—Referral or postponement on third reading

On the third reading of a bill or joint resolution, it shall not be committed (except to the Committee on Appropriations) or amended (except a corrective or title amendment) without consent of two-thirds (2/3) of ~~the Senators~~ *those present*, nor shall the vote on passage be postponed to a day certain without the consent of a majority of ~~those present~~ *those present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 46, Rule 4.16 is amended to read:

Rule 4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of *those present* obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of *those present* shall orally give the membership not less than fifteen (15) minutes' notice of his intention to move and shall specify the number of the bill or joint resolution and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his purpose, and unanimous consent of *those present* shall be given or refused without further debate.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 46, the first and second paragraphs of Rule 4.17 are amended to read:

Rule 4.17—Special Order Calendar, Consent Calendar

Commencing on the first day of a regular session of the legislature permitted under the Constitution, the Committee on Rules and Calendar, or when designated by the committee, the chairman of the committee or his designee, the minority leader or his designee and one (1) other member of the committee designated daily by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. During the first fifty (50) days of a regular session, except for the first day, each Special Order Calendar shall be for the second succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for special order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of ~~the Senators~~ *those present* or any bill appearing on the general calendar of bills on second or third reading may be added to the end of the Special Order Calendar by the same vote. All bills set as special order for consideration at the same hour shall take precedence in the order in which they were given preference.

A vote of two-thirds (2/3) of ~~the Senators~~ *those present* shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the special order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 48, Rule 5.2 is amended to read:

Rule 5.2—Change of vote

After the result of the vote has been announced by the President, a Senator with unanimous consent of *those present* may change his vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 49, Rule 6.4 is amended to read:

Rule 6.4—Reconsideration generally

When a main question, (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets. If the question has been decided by voice vote, any Senator may so move. Such motion may be made pending a motion to adjourn or if it is time to adjourn. Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of *those present*. During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day. When a majority of *those Senators* present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of *those present* is necessary for adoption or passage, any Senator may move for reconsideration.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 51, Rule 6.5 is amended to read:

Rule 6.5—Reconsideration; vote required

A majority of the affirmative votes of ~~the Senate~~ *those present and voting* shall be required to adopt a motion to reconsider.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 51, Rule 6.8 is amended to read:

Rule 6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. ~~During the last five (5) calendar days allowed under the Constitution for a regular session and during any extensions thereof, the bills shall be immediately transmitted to the House.~~ The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of *those the Senators* present and to immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration, and shall, thereafter, preclude reconsideration. ~~During the last five (5) calendar days allowed under the Constitution for a regular session and during any extensions thereof, bills shall be immediately transmitted to the House.~~

Explanatory note: 1) Adjusts the order of this paragraph to make chronological sense.

2) 2/3 vote of those present

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 52, Rule 7.2 is amended to read:

Rule 7.2—Adoption

Amendments may be adopted on second reading by a majority vote of *those present* and on third reading by a two-thirds (2/3) vote of *those present*. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of *those present* on third reading.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 53, Rule 7.8 is amended to read:

Rule 7.8—House amendments to Senate bills

After the reading of a House amendment to a Senate bill, the Senate may: (1) amend the House amendment, (2) concur in the House amendment, (3) refuse to concur in the House amendment and ask the House to recede, or (4) request a conference committee. The adoption of all the foregoing motions shall be by majority vote of *those present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 54, Rule 7.9 is amended to read:

Rule 7.9—House refusal to concur in Senate amendment

If the House shall refuse to concur in a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named: (1) that the Senate recede, (2) that the Senate insist and ask for a conference committee, or (3) that the Senate insist. The adoption of any of the foregoing motions shall be by majority vote of *those present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 55, Rule 8.5 is amended to read:

Rule 8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of ~~the Senators~~ *those present*.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 55, Rule 8.6 is amended to read:

Rule 8.6—Limitation of debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, ~~except the~~ *The* introducer of the measure shall have five (5) minutes to discuss said motion, ~~and he may divide his time with or waive it in favor of, some other member.~~ If, by two-thirds (2/3) vote of ~~those the Senators~~ *those present*, the question is decided in the affirmative, debate shall be limited accordingly. ~~The time allotted by such limitation shall be apportioned by the presiding officer equitably, provided, however, that the introducer of such measure shall be entitled to close~~

On page 59, Rule 10.4 is amended to read:

Rule 10.4—Recognition of guests

No person shall be introduced unless he is escorted to the rostrum with *consent of the majority of those present* ~~concurrence of the Senate~~. This Rule shall not apply to the first day of each regular session.

(This amendment does not constitute a change in the vote requirement of this rule.)

On page 65, Rule 13.5 is amended to read:

Rule 13.5—Committee reports

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third calendar day from the day of reference (the day of reference not being counted as the first day) unless otherwise ordered by the Senate by majority

vote of those present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. ~~However, no bill may be thus withdrawn from the Committee on Appropriations during the first five (5) days of a special session.~~ Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chairman of the standing committee which shall not be beyond the time allowed herein.

Senator W. D. Childers moved that the Senate adopt the report of the Committee on Rules and Calendar containing amendments to the rules which will become effective July 1, 1978. The motion was adopted.

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 17, 1978:

HM 341	SB 775	SB 591	CS for CS for
SB 386	SB 955	SB 686	SB 119
SB 758	SB 722	SB 349	SB 799
CS for SB 325	SB 706	SB 358	SB 798
CS for SB 26	SB 712	CS for HB 386	SB 1276
SB 541	CS for SB 893	SB 560	SB 1084
SB 131	SB 836	SB 249	SB 1074
SB 191	SB 803	SB 223	SB 470
SB 167	SB 1107	SB 292	SB 939
SB 176	HB 718	CS for SB 324	SB 910
SB 197	SB 1088	SB 389	SB 787
SB 958	SB 780	SB 786	SB 915
SB 1029	CS for SB 647		

Respectfully submitted,
W. D. Childers, Chairman

The Committee on Personnel, Retirement and Collective Bargaining to whom was referred the following appointment subject to confirmation by the Senate:

Howard Jay Friedman, Tallahassee, Member, Florida Retirement Commission, for term ending December 31, 1981

—after inquiry and due consideration, recommends that the Senate confirm the aforesaid appointment made by the Governor.

The appointment contained in the foregoing report was referred to the Committee on Executive Business under the original reference.

The Committee on Commerce recommends the following pass: SB 409

The Committee on Education recommends the following pass: SB 1171

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 639

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 1149 with 1 amendment SB 1210 with 1 amendment

The Committee on Governmental Operations recommends the following pass:

SB 891 SB 1117
SB 917 with 2 amendments SB 1283

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Commerce recommends the following pass: HB 1991 with 5 amendments

The bill was referred to the Committee on Agriculture under the original reference.

The Committee on Agriculture recommends the following pass: CS for HB 410

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 599, SB 1099

The bills contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Education recommends the following pass: SB 360 with 2 amendments

The Committee on Executive Business recommends the following pass: SB 1010

The Committee on Commerce recommends the following pass: SB 1266

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1285, SB 1299

The Committee on Governmental Operations recommends the following pass: SB 1269

The bills contained in the foregoing reports were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Commerce recommends the following pass:

SB 1118 SB 1120 SB 1282
SB 1190 with 4 amendments

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 768

The Committee on Commerce recommends the following pass: SB 912

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 977

The Committee on Commerce recommends the following pass: CS for HB 332 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: CS for HB 572 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 935 with 2 amendments

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: HB 583

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: SB 847 with 2 amendments

The Committee on Commerce recommends the following pass: SB 1197

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1086 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1098

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Appropriations recommends the following pass: SB 268 with 1 amendment

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends the following pass:

CS for SB 128	CS for SB 456 with 3
SB 137	amendments
CS for SB 185	SB 462 with 2 amendments
SB 335 with 2 amendments	SB 498
SB 588 with 2 amendments	SB 523
SB 680	SB 537 with 1 amendment
CS for SB 725	SB 570
SB 802	SB 648 with 2 amendments
SB 918	SB 670
SB 1274 with 1 amendment	SB 733
SB 181 with 1 amendment	SB 851
SB 278 with 6 amendments	CS for SB 992 with 1
SB 388 with 2 amendments	amendment

The Committee on Commerce recommends the following pass:

SB 905	SB 1207
SB 1040	SB 1212
SB 1161	SB 1284
SB 1222	CS for HB 851
SB 1240	HB 1085
SB 1251 with 1 amendment	CS for HB 456
SB 1298	SB 876 with 2 amendments
CS for SB 330	SB 1035
SB 788 with 2 amendments	SB 1200
SB 519	SB 1224
SB 962	SB 1295
SB 1061 with 4 amendments	

The Committee on Corrections, Probation and Parole recommends the following pass: SB 40

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 539	SB 1169
CS for SB 925	SB 1194
SB 938	SB 1250 with 1 amendment
SB 1085 with 1 amendment	SB 1310 with 1 amendment
SB 1131 with 1 amendment	CS for HB 123

The Committee on Executive Business recommends the following pass: SB 995

The Committee on Governmental Operations recommends the following pass:

SB 556	SB 892
SB 651 with 1 amendment	SB 1214
SB 875 with 7 amendments	SB 1268 with 6 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 964, SB 1198 with 1 amendment

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: HB 35, SB 1244

The Committee on Rules and Calendar recommends the following pass: SCR 1338, SB 914

The Committee on Judiciary-Criminal recommends the following pass:

SB 1033	CS for SB 824 with 2
SB 1256 with 2 amendments	amendments
SB 819 with 2 amendments	SB 884 with 2 amendments

SB 1090
SB 1103 with 3 amendments
SB 1156
SB 1220 with 1 amendment

CS for HB 320 with 1
amendment
HB 624
HB 829
HB 1739

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary-Criminal recommends Committee Substitutes for the following: SB 906, SB 1022

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 198

The Committee on Personnel, Retirement and Collective Bargaining recommends a Committee Substitute for the following: SB 415

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 870, SB 1089

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 717

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 1182

The bill with Committee Substitute attached was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 868

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1014

The Committee on Corrections, Probation and Parole recommends a Committee Substitute for the following: SB 243

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 1205

The bill with Committee Substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 612

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 674

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: SB 636

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Appropriations recommends Committee Substitutes for the following:

SB 400 SB 436 SB 437

The Committee on Commerce recommends a Committee Substitute for the following: SB 1059

The Committee on Commerce recommends a Committee Substitute for the following: SB 1246

The Committee on Commerce recommends Committee Substitutes for the following: SB 945, SB 1279

The Committee on Corrections, Probation and Parole recommends a Committee Substitute for the following: SB 509

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 1234

The Committee on Education recommends a Committee Substitute for the following: SB 550

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1122

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 988

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Commerce recommends the following not pass:

SB 428 SB 435 SB 1091 SB 1216
SB 429

The Committee on Economic, Community and Consumer Affairs recommends the following not pass: SB 984, SB 1286

The Committee on Education recommends the following not pass: SB 982

The Committee on Governmental Operations recommends the following not pass: SB 838, SB 1180

The Committee on Personnel, Retirement and Collective Bargaining recommends the following not pass: SB 583, SB 1263

The Committee on Judiciary-Criminal recommends the following not pass: SB 461, SB 1110

The bills contained in the foregoing reports were laid on the table.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Trask, the rules were waived and by two-thirds vote SB 286 was withdrawn from the Committee on Agriculture.

On motions by Senator Trask, by two-thirds vote Senate Bills 506, 667, 835 and 531 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Gallen, the rules were waived and by two-thirds vote SB 1269 was withdrawn from Committee on Economic, Community and Consumer Affairs.

On motion by Senator Gallen, the rules were waived and SB 827 was ordered immediately certified to the House.

On motions by Senator Henderson, by two-thirds vote Senate Bills 1288 and 72 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Renick, by two-thirds vote SB 907 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 736 and 1053 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Castor, by two-thirds vote Senate Bills 1204 and 1011 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 1015, 813, 700, 793, 816, 1227, 1150, 1205, 947 and HB 506 were withdrawn from the Committee on Appropriations.

On motion by Senator Lewis, by two-thirds vote HB 35 was removed from the calendar and referred to the Committee on Appropriations.

On motion by Senator Vogt, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to meet at 1:30 p.m. in lieu of 2:00 p.m. this day.

On motion by Senator Vogt, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to consider SB 696 at the meeting this day.

On motion by Senator Dunn, the rules were waived and the Committee on Judiciary-Criminal was granted permission to consider SB 1086 at the meeting this day.

On motion by Senator Dunn, the rules were waived and by two-thirds vote CS for SB 636 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Dunn, by two-thirds vote SB 461 was removed from the table, the unfavorable report of the Committee on Judiciary-Criminal notwithstanding, and by two-thirds vote recommitted to the Committee on Judiciary-Criminal.

On motion by Senator Dunn, the rules were waived and the Committee on Judiciary-Criminal was granted permission to consider SB 461 at the meeting this day.

RECONSIDERATION

On motion by Senator Scarborough, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 1071—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.01(10), Florida Statutes; including alcoholic beverage merchandise discounts within the definition of "discount in the usual course of business"; providing an effective date.

—as amended passed on May 11.

Senator Scarborough moved the following amendment which was adopted by two-thirds vote:

Amendment 5—On page 1, line 16, strike "simultaneously"

SB 1071 as amended was read by title, passed and ordered engrossed. The vote on passage was:

Yeas—36

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Peterson	Thomas, Pat
Chamberlin	Hair	Plante	Tobiassen
Childers, W. D.	Henderson	Poston	Trask
Dunn	Holloway	Renick	Ware
Firestone	Johnston	Saylor	Williamson
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Skinner	Winn
Gordon	McClain	Spicola	Zinkil

Nays—2

Childers, Don Vogt

Vote after roll call:

Yea to Nay—Peterson

On motion by Senator Scarborough, the rules were waived and SB 1071 after being engrossed was ordered immediately certified to the House.

On motions by Senator Scarborough, the rules were waived and Senate Bills 1070 and 1073 were ordered immediately certified to the House.

On motion by Senator Jon Thomas, the rules were waived and by two-thirds vote SB 1205 was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Chamberlin, by two-thirds vote Senate Bills 161 and 913 were withdrawn from the committees of reference and indefinitely postponed.

Senator Glisson moved that SB 231 be withdrawn from the Committee on Appropriations. The motion failed.

REQUESTS FOR EXTENSION OF TIME

May 12, 1978

The Committee on Education requests an extension of 15 days for consideration of the following:

SB 740 by Senator Tobiasen	SB 1135 by Senator Don Childers
SB 742 by Senator Castor	SB 1179 by Senator Jon Thomas
SB 765 by Senator Glisson	SB 1170 by Senator Jon Thomas
SB 1028 by Senator Hair	SB 1177 by Senator Peterson
SB 1042 by Senator Plante	SB 1186 by Senator McClain
SB 1081 by Senator Glisson	SB 1188 by Senator Scott
SB 1109 by Senator Gordon	
SB 1114 by Senator MacKay	
SB 1134 by Senator Skinner	

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following:

SB 613 by Senator Pat Thomas	SJR 840 by Senator Saylor
SB 779 by Senator Ware	HB 73 by Representative Woodruff

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following:

SB 672 by Senator Glisson	SB 1210 by Senator Jon Thomas
SB 693 by Senators Tobiasen, Brantley and Hair	SB 1228 by Senator Scott (by request)
SB 697 by Senator Gordon	SB 1285 by Senator Myers
SB 870 by Senator Graham	SB 1299 by Senator MacKay

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following:

SB 28 by Senator Vogt	SB 341 by Senator Saylor
SB 162 by Senator Jon Thomas	SB 352 by Senator Saylor
SB 217 by Senator Tobiasen	SB 583 by Senator Williamson
SB 289 by Senator Graham	SB 606 by Senator Don Childers

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 479 by Senator Firestone	SM 766 by Senator Glisson
SJR 745 by Senator Pat Thomas	

The Special Master-Claims requests an extension of 15 days for consideration of the following:

SB 418 by Senator Barron	SB 495 by Senator Scott and others
SB 422 by Senator Myers	

SB 611 by Senator Gordon and others

SB 1087 by Senator Henderson and others
SB 1165 by Senator Renick

The Committee on Transportation requests an extension of 15 days for consideration of the following:

SB 187 by Senator Gallen	SB 559 by Senator Poston
SB 200 by Senator Holloway	SB 582 by Senator Vogt
SB 229 by Senator Glisson	SB 616 by Senator Gallen
SB 450 by Senator Renick	HB 1112 by Representative O'Malley
SB 496 by Senator Scott	

May 15, 1978

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following:

SB 2 by Senator Saylor	SB 1194 by Senator Scott
SB 24 by Senator Saylor	SB 1204 by Senator Castor
SB 27 by Senator Renick	SB 1205 by Senator Castor
SB 36 by Senator Graham	SB 1206 by Senator Williamson
SB 81 by Senator Williamson	SB 1211 by Senator Zinkil
SB 116 by Senator Zinkil	SB 1215 by Senator Winn
SB 142 by Senator Williamson	SB 1226 by Senator Spicola
SB 145 by Senator Henderson	SB 1229 by Senator Winn
SB 150 by Senator MacKay	SB 1257 by Senator Ware
SB 161 by Senator Chamberlin	SB 1286 by Senator Gordon
SB 221 by Senator Graham	SB 1309 by Senator Gordon
SB 241 by Senator Holloway	SB 1310 by Senator Barron
SB 242 by Senator Henderson	SB 1312 by Senator Poston
SB 254 by Senator Johnston	SB 664 by Senator Castor
SJR 314 by Senator Saylor	SB 903 by Senator Chamberlin
SB 353 by Senator Gordon	SB 904 by Senator Castor
SB 397 by Senator Firestone	SB 935 by Senator Jon Thomas
SB 460 by Senator Plante	SB 938 by Senator Holloway
SB 464 by Senator Saylor	SB 977 by Senator Jon Thomas
SB 494 by Senator MacKay	SB 978 by Senator Jon Thomas
SB 527 by Senator Gordon	SB 984 by Senators Peterson and Trask
SB 533 by Senator Hair	SB 987 by Senator Chamberlin
SB 553 by Senator Hair	SB 1016 by Senator Williamson
SB 554 by Senator Hair	CS for SB 925 by Natural Resources and Conservation Committee and Senator Vogt
SB 573 by Senator Castor	SB 1250 by Transportation Committee
SB 593 by Senator Gordon	CS for HB 456 by Judiciary Committee and Representative Kiser
SB 599 by Senator Gordon	
SB 617 by Senator Gallen	
SB 817 by Senator Dunn	
SB 832 by Senator Williamson	
SB 639 by Senator Henderson	
HB 69 by Representative Robinson	
SB 539 by Senator Peterson	
SB 852 by Senator Firestone	
SB 853 by Senator Firestone	

The Committee on Commerce requests an extension of 10 days for consideration of the following:

SB 7 by Senator Graham	SB 579 by Senator Gallen
SB 8 by Senator Zinkil	SB 605 by Senator Scott
SB 19 by Senator Scarborough and others	SB 633 by Senator Saylor
SB 33 by Senator Gorman	SB 909 by Transportation Committee
SB 48 by Senator Graham	SB 943 by Senator Firestone
SB 55 by Senator Zinkil and others	SB 966 by Senator McClain
SB 69 by Senator Winn	SB 1005 by Senator Barron
SB 118 by Senator Peterson	SB 1189 by Senator Pat Thomas
SB 190 by Senator Scott	SB 1191 by Senator Scarborough
SB 240 by Senator Henderson	SB 1199 by Senator Scarborough
SB 370 by Senator McClain	SB 1201 by Senator Plante
SB 407 by Senator Plante	SB 1217 by Senator Barron
SB 478 by Senator Firestone	SB 1218 by Senator Pat Thomas
SB 484 by Senator Firestone	SB 1230 by Senator Gordon
SB 555 by Senator Wilson	

SB 1231 by Senator Holloway
 SB 1232 by Senator Renick
 SB 1236 by Senator Holloway
 SB 1242 by Senator Glisson
 SB 1248 by Senator Jon Thomas
 SB 1249 by Senator Jon Thomas
 SB 1254 by Senator Barron
 SB 1259 by Senator Gallen
 SB 1267 by Senator Gallen

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following:

SB 848 by Senator Williamson
 SB 1196 by Senator W. D. Childers
 SB 1223 by Senator Plante
 SB 1239 by Senator MacKay

SB 1270 by Senator Gallen
 SB 1277 by Senator Gallen
 SB 1278 by Senator Gallen
 SB 1287 by Senator Scott
 SB 1288 by Senator Henderson
 SB 1300 by Senator Skinner
 SB 1311 by Senator Graham
 SB 1314 by Senator Gallen
 SB 1317 by Senator Vogt

SB 1247 by Senator Saylor
 SB 1253 by Senator Barron
 SB 1301 by Senator W. D. Childers
 SB 1306 by Senator Tobiasen

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 100 by Senator Graham
 SB 821 by Senator Dunn
 SB 822 by Senator Dunn
 SB 835 by Senator Trask and others
 SB 838 by Senator Jon Thomas

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following:

SB 204 by Senators Johnston and Dunn
 SB 258 by Senator Dunn
 SB 272 by Senator Saylor
 SB 307 by Senator Chamberlin
 CS for SB 476 by Committee on Transportation (Senator Poston)
 SB 497 by Senator Myers
 SB 507 by Senator Dunn
 SB 526 by Senator Scott
 SB 535 by Senator Henderson
 SB 536 by Committee on Judiciary-Civil
 SB 544 by Senator Dunn
 SB 643 by Senator Firestone
 SB 644 by Senator Firestone
 SB 796 by Senator Hair

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following:

SB 153 by Senator Scarborough
 SB 236 by Senator Glisson
 SB 393 by Senator Lewis
 SB 394 by Senators Williamson and Dunn
 SB 513 by Senator Dunn
 SB 515 by Senators Trask and Renick
 SB 805 by Senator W. D. Childers
 SB 819 by Senators Wilson and Vogt
 CS for SB 824 by Committee on Agriculture, Senators MacKay and Peterson
 CS for SB 834 by Committee on Agriculture, Senators Trask and Pat Thomas

SB 797 by Senators Castor and Graham
 SB 858 by Senators Dunn, Myers, Vogt and Gordon
 SB 900 by Senator Trask
 SB 922 by Senator Dunn
 SB 1192 by Senators Dunn, Spicola, Castor and MacKay
 SB 1195 by Senator Gordon
 SB 1219 by Senator Dunn and others
 SB 1241 by Senator Dunn
 SB 1255 by Senator Hair
 SB 1290 by Senator McClain
 SB 1296 by Senator Dunn and others

SB 868 by Senator Dunn
 SB 884 by Senators Scott, Jon Thomas, Williamson, Gorman and Trask
 SB 907 by Senator Renick
 SB 1090 by Senators Graham and Renick
 SB 1172 by Senator Scott
 SB 1220 by Senator Dunn and others
 CS for HB 320 by Committee on Criminal Justice and Representative Melvin
 HB 829 by Committee on Transportation and Representative Steinberg

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

SB 1 by Senator Saylor
 SB 177 by Senator Saylor
 SB 376 by Senator Graham
 SB 505 by Senator Gallen
 SB 530 by Senator Vogt

SB 531 by Senator Trask
 SB 857 by Senator Vogt
 SB 1245 by Senator Wilson
 SB 1307 by Senator Vogt
 SB 1316 by Senator Peterson

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following:

SB 415 by Senator Chamberlin
 SB 842 by Senators Plante and Dunn
 SB 895 by Senator Johnston (by request)
 SB 897 by Senator Johnston (by request)

SB 902 by Senator Chamberlin
 SB 1244 by Senator Plante
 SB 1263 by Senator Trask
 HB 447 by Committee on Veterans Affairs

The Committee on Education requests an extension of 15 days for consideration of the following:

SB 42 by Senator Graham
 SB 56 by Senator Zinkil
 SB 260 by Senator Gordon
 SB 265 by Senator Tobiasen
 SB 270 by Senator Gordon
 SB 328 by Senator Tobiasen
 SB 239 by Senator Firestone
 SB 360 by Senator Holloway
 SB 463 by Senator Jon Thomas
 SB 465 by Senator MacKay
 SB 468 by Senator Castor

SB 542 by Senator Dunn
 SB 548 by Senator Johnston
 SB 1203 by Senator McClain
 SB 1209 by Senator Jon Thomas
 SB 1213 by Senator Winn
 SB 1238 by Senator MacKay
 SB 1252 by Senator Tobiasen
 SB 1258 by Senator Ware
 SB 1291 by Senator Plante
 SB 522 by Senator Gordon

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 256 by Senator Dunn
 SB 442 by Senator Gordon
 SB 898 by Senator Johnston (by request)

HB 103 by Representative Batchelor and others

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following:

SB 482 by Senator Renick
 SB 580 by Senator Gallen

SB 971 by Senator Henderson

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following:

SB 34 by Senator Graham
 SB 53 by Senator Zinkil and others
 SB 77 by Economic, Community and Consumer Affairs
 SB 78 by Economic, Community and Consumer Affairs
 SB 79 by Economic, Community and Consumer Affairs
 SB 88 by Senator Graham
 SB 121 by Senator Jon Thomas

SB 168 by Senator Firestone
 SB 263 by Senator Gallen
 SB 293 by Senator Firestone
 SB 304 by Senator Firestone
 SB 528 by Senator Saylor
 SB 572 by Senator MacKay
 SB 950 by Senator Myers
 SB 1185 by Senator Vogt
 HB 16 by Rep. Maxwell
 HB 54 by Rep. Ready and others
 HB 619 by Rep. Fulford
 HB 620 by Rep. Fulford
 HB 873 by Rep. Haben

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SCR 3 by Senator Wilson and others
 SJR 4 by Senator Wilson and others
 SR 5 by Senator Wilson and others
 SB 6 by Senator Wilson and others

SJR 11 by Senator Zinkil and others
 SM 21 by Senator Saylor and others
 SB 50 by Senator Graham
 SB 60 by Senator Saylor

SCR 62 by Senator Saylor
 SB 66 by Senator Renick
 SB 91 by Senator Graham
 SCR 123 by Senator Saylor
 SJR 126 by Senator Hair
 SR 174 by Senator W. D. Childers
 SM 218 by Senator Skinner
 SJR 282 by Senator Jon Thomas
 SJR 288 by Senator Chamberlin and others
 SJR 344 by Senator Saylor
 SB 440 by Senator Gordon
 SJR 485 by Senator W. D. Childers
 SB 610 by Senator Johnston and others
 SB 626 by Senator Vogt
 SJR 652 by Senator McClain
 SCR 820 by Senator Renick
 SM 826 by Senator Renick
 SJR 844 by Committee on Judiciary-Civil
 HM 7 by Representatives Nuckolls and Hodges
 HM 488 by Committee on Veterans Affairs and others

SCR 1024—A concurrent resolution honoring the bravery and heroism of Sgt. Ernest I. "Boots" Thomas and endorsing the erection of a memorial in honor of his wartime deeds.

—was read the second time in full. On motion by Senator Pat Thomas SCR 1024 was adopted and certified to the House. The vote on adoption was:

Yeas—38

Mr. President	Gordon	Myers	Tobiassen
Barron	Gorman	Peterson	Trask
Castor	Graham	Plante	Vogt
Chamberlin	Hair	Renick	Ware
Childers, Don	Henderson	Saylor	Williamson
Childers, W. D.	Holloway	Scarborough	Wilson
Dunn	Johnston	Scott	Winn
Firestone	Lewis	Skinner	Zinkil
Gallen	MacKay	Thomas, Jon	
Glisson	McClain	Thomas, Pat	

Nays—None

On motion by Senator Renick, the following remarks were ordered printed in the Journal:

Senator Pat Thomas: Mr. President, you and I and many others in this chamber were not old enough to take part in World War II. There are a few here who survived that ordeal and have shared many stories with us. We are privileged today to honor one of the great heroes of that war.

In 1945 the armed forces of this country made its first breakthrough by capturing Mount Suribachi on the island of Iwo Jima.

During the fifth day of intense battle, after a loss of some twenty-five thousand lives, the American forces were given great renewed courage and strength when they looked at the top of that volcano and saw, for the first time, the stars and stripes of Old Glory.

It was mounted on an old water pipe. It was a small flag, some fifty-four inches by twenty-eight inches.

I got a little of the authentic history, Mr. President, from a modest employee of the Senate to whom I have sworn secrecy. He was an eyewitness on that occasion. He tells me that as they looked up and saw Old Glory it seemed to give them the impetus they needed to fight harder in spite of the fact they had just been through four days of rainy, bloody battle.

That flag was raised by Sergeant Ernest I. "Boots" Thomas, a Florida native who was born in Tampa and reared in Monticello. Marine Corps Sgt. Louis R. Lowery captured the first photograph of that event.

"Boots" led a platoon to that crater just six hundred air miles from mainland Japan. There were forty-three men in Sergeant Thomas' platoon. Only four were not battle casualties of Iwo Jima. All of the seven men who were on the crest of the volcano during the original flag-raising later became casualties; including Sergeant "Boots" Thomas, who a week later, just prior to his twenty-first birthday, was shot and killed by sniper fire during the continued battle for total control of the island.

But three hours after the original flag-raising, while those from the press had "Boots" describing that one-hundred-hour event and making a broadcast that proclaimed we had captured the island, they decided the original flag was not large enough to be seen by all the American forces.

A larger flag was ordered placed atop the crater. As the new flag was being carried up the volcano, Joe Rosenthal, a civilian photographer covering the Iwo Jima operation for the Associated Press, followed the men to the top and took the now famous photograph of the flag-raising on Suribachi. Only one of "Boots" Thomas' men was in the Rosenthal picture.

The Senate employee I mentioned earlier told me the fire was so intensive even after the new flag was installed that it took three hours for this great flag, which was later to become somewhat memorialized and stir the imagination of the American public, to be delivered to the LST on which he was stationed. But the flag was saved and delivered by them.

President Brantley: This year the Senate is inaugurating a policy of recognizing our staff by issuing certificates of service for 3, 5, 10 and 15 years of legislative service. On your desks are lists of employees with 3 or more years of legislative service. Certificates were presented earlier this morning and the recipients are now assembled in the west gallery. You all might be interested to know that in that group of 106 individuals there is a combined legislative service of 934 years; almost a thousand years of legislative service represented in those individuals.

These employees have provided the means for this body to be one of the most knowledgeable legislative bodies in the country. They are assembled in the west gallery and I would like to ask them to stand to be recognized by your Florida Senate. All forty of us say, "Thank you".

We have one employee, Senators, who exemplifies all of our employees with her dedication, knowledge, efficiency and kindness. She is just an all-around lovely person with tremendous knowledge of the legislative process; a person to whom all of us go from time to time to seek counsel. She has a total of 32 years of governmental service; 19 years with the Legislature; and she's only 29 years old. She is a lady all of us can say we are extremely proud to have with us. I want her to stand and be recognized by the Senate individually, Mrs. Tommy Burns. Tommy, what do we say? The only thing we can say is that we love you.

We also have with us this morning four Employee of the Month recipients and I'd like to recognize them: Jeff Finley, of the print shop; Jeff Fleming, of the Sergeant's office; Betty Swindell, of the Governmental Operations Committee; and Gary McKenzie of the Sergeant's Office. Would you all stand to be recognized. Thanks so much for your hard work.

Also, Senators, we have with us this morning other dedicated employees who have done a tremendous job over the years. This first fellow I think without question is one of the most efficient, one of the most dedicated, one of the most non-biased individuals in the performance of his duty that we could find anywhere in the country. I think it appropriate that we say to Ernie Ellison, our Auditor-General, "Thank you for a job well done." He's the watchdog of the state government and he does a terrific job. I'm proud of him.

We also have the Assistant Auditor General, George Warner.

I had the privilege, as a House member, to participate in the hiring of a fellow who is a C.P.A. by profession. He's done an outstanding job since the creation of the Joint Legislative Management Committee. He is the executive director, Tom Wade.

We also have the executive director of the Advisory Council on Intergovernmental Relations, relatively new but making its impact on the legislative process, John Keys.

We have our Public Counsel with us, relatively new on the job but he will make some impact on the soaring rates of utilities all over the state, Jack Shreve.

To all of you who help us to be knowledgeable, productive and beneficial to all the people of Florida, all forty of us say, "Thank you very much." We're grateful for the work that you all do.

SPECIAL ORDER

On motion by Senator Pat Thomas, by two-thirds vote SCR 1024 was placed on the special order calendar and taken up out of order by unanimous consent.

Rosenthal's picture of the second flag-raising became famous, but it was Sergeant "Boots" Thomas' Third Platoon of the Fifth Marine Division which placed that original flag which turned the tide for this country in the Pacific Theater of World War II.

So we pay honor and tribute today to one of our home-town boys who was a great hero; one of Florida's own who truly gave his all to preserve this "land of the free and home of the brave."

We sometimes take for granted the freedoms we enjoy, which other men fought and died to preserve. So I think it is appropriate for us to occasionally take time to reflect on those great men and their great deeds.

Copies of this resolution are being given to members of the family of "Boots" Thomas, one of whom is with us today. Other copies will be mailed as provided in the resolution. With us in the chamber today are "Boots" sister, Mrs. Jean Bishop and her husband, Billy Bishop.

I ask that they and others representing the family and Jefferson County please stand and be recognized at this time.

The President presented a copy of SCR 1024 to Mrs. Bishop.

On motion by Senator W. D. Childers, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

INTRODUCTION

By Senators Brantley and W. D. Childers—

SR 1344—A Senate resolution commending the bravery of Captain Glenn McDonald and Mr. Bill Kenney.

—which was read the first time in full and on motion by Senator W. D. Childers, by two-thirds vote was placed on the special order calendar and taken up out of order by unanimous consent.

On motion by Senator W. D. Childers, by two-thirds vote SR 1344 was read the second time by title and adopted. The vote was:

Yeas—38

Mr. President	Gordon	Myers	Thomas, Pat
Barron	Gorman	Peterson	Tobiasen
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Sayler	Williamson
Dunn	Johnston	Scarborough	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	
Glisson	McClain	Thomas, Jon	

Nays—None

The President invited Capt. McDonald to the rostrum where he addressed the Senate briefly.

The President introduced to the Senate Capt. McDonald's wife Janet, and children, Jeromy Ann and Felicia; his aunt, Mrs. Anson Phelps, and two cousins, Elizabeth and Anson Phelps, Jr., all from Pensacola; and Mr. and Mrs. Joe Gillespie and son David, from Tallahassee.

On motions by Senator MacKay, the rules were waived and by two-thirds vote SB 878 was withdrawn from the Committee on Education and by two-thirds vote was placed on the special order calendar.

On motion by Senator Spicola, by unanimous consent—

SB 878—A bill to be entitled An act relating to the University of Florida; naming the University of Florida Student Activity Center the "Stephen C. O'Connell Activity Center"; directing the University of Florida to erect suitable markers; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 878 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Graham	Plante	Tobiasen
Barron	Hair	Poston	Trask
Castor	Henderson	Renick	Vogt
Chamberlin	Holloway	Sayler	Ware
Childers, Don	Johnston	Scarborough	Williamson
Childers, W. D.	Lewis	Scott	Wilson
Dunn	MacKay	Skinner	Winn
Firestone	McClain	Spicola	Zinkil
Gallen	Myers	Thomas, Jon	
Gorman	Peterson	Thomas, Pat	

Nays—2

Glisson Gordon

On motion by Senator Plante, the rules were waived and SB 901 was ordered immediately certified to the House.

On motion by Senator Plante, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill:

INTRODUCTION

By Senator Plante—

SB 1345—A bill to be entitled An act relating to diversion of utility or cable television service; adding s. 812.14(2)(c), Florida Statutes; making it unlawful to use or receive benefit from the use of utility, cable television, or community antenna line service under certain circumstances; providing a penalty; providing an effective date.

—which was read the first time by title and referred to the Committee on Commerce.

On motion by Senator Scarborough, the rules were waived and the Committee on Commerce was granted permission to consider SB 1345 at the next meeting.

On motion by Senator W. D. Childers, the rules were waived and sessions of the Senate for May 18 were changed to 9:00 a. m. until 12:00 noon and 2:00 p. m. until 5:00 p. m.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Rules and Calendar was granted permission to consider SB 914 this day.

On motion by Senator Gordon, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider SB 912 this day.

On motions by Senator Holloway, the rules were waived and by two-thirds vote SCR 1123 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed at the beginning of the special order calendar.

Senator Holloway moved that a committee be appointed to escort the Most Worshipful Grand Master of Masons for the State of Florida, Donald Wessall, into the Senate chamber. The motion was adopted and the President appointed Senators Holloway, Poston, Henderson, Pat Thomas and Jon Thomas who escorted Mr. Wessall to the rostrum where he was welcomed by the President.

SPECIAL ORDER, continued

SCR 1123—A concurrent resolution proclaiming May 17, 1978, as Masonic Day.

—was read the second time in full. On motion by Senator Holloway, SCR 1123 was adopted and certified to the House. The vote on adoption was:

Yeas—39

Mr. President	Gordon	Myers	Thomas, Pat
Barron	Gorman	Peterson	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Saylor	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	

Nays—None

On motion by Senator Poston, the following remarks by Mr. Wessall were printed in the Journal:

It must be most difficult for a non-Mason to determine exactly who is who in our rather large organization. Let me briefly say, irrespective of the type of cap, hat, fez or jewelry that is worn, the member of any of the Allied or Appendant Bodies must first be a Master Mason and remains subject to all the laws, rules and regulations governing same. Our charitable efforts would easily exceed \$100,000,000 per year and must necessarily lighten the governmental departments obligations to the less fortunate very substantially.

We, the Masons of Florida, are proud of our Masonic heritage—a heritage which, as an example, in the Colonial days, called for the sacrifice of families, fortunes, homes and even lives. We, as stated by the Hon. Robert Byrd, Senator from West Virginia, believe in the ideals of individual integrity, responsibility and self discipline, of separation of church and state; of religious and political tolerance; of free enterprise; of patriotism and dedicated citizenship; and of devotion to high spiritual values—all are part of the Masonic tradition indelibly incorporated into the vision of America.

America and Masonry have grown side by side—but now it appears a huge void is forming and the time has arrived when approximately 250,000 Masons in Florida, their families, their friends and associates are counted as being opposed to the infestation of drugs, opposed to the basic permissive society, opposed to the questionable application of law and opposed to the insidious inroad into our Country's lifeblood—the Constitution.

As individuals we are only a whisper in the night and can possibly accomplish very little, but the fortunate point is that none of us is alone, we are blessed by association with millions of other Brother Masons and their families. Our voices for our towns, our States and our Country must again be heard.

In the fifth century, B.C., the Golden Age of Greece, Pericles said: "I would have you day by day fix your eyes upon the greatness of your Country, until you are filled with the love of her; and when you are impressed by the spectacle of her glory, reflect that it has been acquired by men who knew their duty and had the courage to do it."

Each of you, as legislators, has been chosen by your respective constituents as being such a man as just described and now only you can prove the right or the wrong of that determination and I, as Grand Master of Masons, would enjoy working in harmony with you in a concerted effort to show the rest of the world that we are truly the Great State of Florida we all claim.

The President thanked Mr. Wessall who was escorted from the chamber by the committee.

On motion by Senator Holloway, the rules were waived and SCR 1123 was ordered immediately certified to the House.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State SB 492 which he had approved May 15, 1978; Senate Bills 545 and 719 which he had approved May 12, 1978; and Senate Bills 49 and 101 which he had approved May 11, 1978.

Appointment Subject to Confirmation by the Senate

The Secretary of State on May 11, 1978 certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certifi-

cate subject to confirmation by the Senate had been prepared for the following:

James N. Gallagher, St. Cloud, Member of the South Florida Water Management District, for term ending July 1, 1981.

—which was referred to the Committee on Executive Business.

By direction of the President, the following executive order was read:

EXECUTIVE ORDER NUMBER 78-22

Executive Order of Suspension

WHEREAS, JACK TAYLOR, JR., is presently serving as Sheriff of Franklin County, and

WHEREAS, as a result of an official misconduct investigation conducted by the Florida Department of Criminal Law Enforcement and a subsequent investigation by the Honorable Gordon Oldham, State Attorney for the Fifth Judicial Circuit, numerous violations of the law have been discovered, to-wit:

1. That JACK TAYLOR, JR., used prisoners who were incarcerated in the Franklin County Jail for his own personal use;
2. That JACK TAYLOR, JR., allowed prisoners from the Franklin County Jail to go unsupervised to their homes and/or other places while they were incarcerated in the Franklin County Jail;
3. That JACK TAYLOR, JR., has allowed prisoners to drive county vehicles throughout Franklin County without supervision and on one occasion a prisoner was arrested for driving while intoxicated in a county vehicle;
4. That JACK TAYLOR, JR., purchased a weapon from a prisoner at the Franklin County Jail for the purpose of allowing said prisoner to pay a bond premium so he could be released on bail;
5. That JACK TAYLOR, JR., allowed a bail bondsman who is unlicensed in Franklin County to sign bail bonds for those who are arrested by deputies and has allowed invalid bail bonds to be posted for several years;
6. That JACK TAYLOR, JR., allowed confiscated alcoholic beverages to be transported from the Franklin County Jail to his cottage on Saint George's Island;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and Laws of Florida, do hereby find, determine, and allege as follows:

A. That the acts and violations alleged herein all occurred during the present term of office of JACK TAYLOR, JR., as a "county officer" within the meaning of Article IV, Section 7, Florida Constitution (1968), to-wit: Sheriff of Franklin County, Florida.

B. That the said JACK TAYLOR, JR., did commit the acts and violations of Florida law as alleged in this executive order constituting grounds for suspension under Article IV, Section 7(a), Florida Constitution.

C. That the facts alleged herein constitute the offenses of malfeasance, misfeasance, neglect of duty, commission of a felony or incompetence as such offenses are used in Article IV, Section 7(a), Florida Constitution;

D. That the interest of the residents of Franklin County, Florida, and the citizens of the State of Florida can best be served by the suspension of JACK TAYLOR, JR., from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and Laws of Florida, the following Executive Order is hereby promulgated effective at 5:00 p.m., Wednesday, May 10, 1978.

1. JACK TAYLOR, JR., is hereby suspended as and from the public office which he now holds, to-wit: Sheriff of Franklin County, Florida.

2. JACK TAYLOR, JR., is hereby prohibited from performing any official act, duty, or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the

period of this suspension, which period shall be from the effective date hereof, until further executive order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 10th day of May, 1978.

Reubin O'D. Askew
Governor

ATTEST:
Bruce A. Smathers
Secretary of State

—which was referred to D. Stephen Kahn, Special Master.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 406 SB 403 SB 534

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 327 SB 300 SB 364
SB 656 SB 695 SB 703
SB 704 SB 1020

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 997 SB 999 SB 998
SB 1148 SB 772 SB 771
SB 626 SB 568 SB 471

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 445 SB 245

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed HB 617, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 1781 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Jones—

HB 1781—A bill to be entitled An act relating to state, county, or municipal contracts; amending s. 446.101(3), Florida Statutes, exempting from certain contract clauses any con-

tracts for the construction or maintenance of bridges; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation; Commerce; and Personnel, Retirement and Collective Bargaining.

On motion by Senator Myers the rules were waived and the Committee on Transportation was granted permission to consider HB 1781 at the meeting this day.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for HB 851.

Allen Morris, Clerk

On motion by Senator W. D. Childers, CS for HB 851 was returned to the House as requested.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Gallen—

SB 15—A bill to be entitled An act relating to the regulation of aircraft and pilots; repealing ss. 330.02, 330.03, 330.06-330.11, 330.13-330.16, 330.18-330.25, Florida Statutes, and s. 330.12, Florida Statutes, as amended, relating to the licensing and regulation of aircraft and pilots, and the registration of aircraft; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 19 insert a new section 2, renumbering the present section 2 accordingly:

Section 2. Subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state. For the exercise of said privilege a tax is levied on each taxable transaction or incident and shall be due and payable, according to the brackets set forth in s. 212.12(10), as follows:

(1)(a) At the rate of 4 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, the tax to be computed on each taxable sale for the purpose of remitting the amount of tax due the state, and to include each and every retail sale.

(b) Occasional or isolated sales of aircraft, boats and motor vehicles of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this subsection. Occasional or isolated sales of boats and other vehicles in this state which are documented by the United States Government or which are required to be registered, licensed, or titled in this state shall be subject to tax at the rate provided in this subsection.

This subsection shall not apply to the sale of a boat by or through a registered dealer under this chapter to a purchaser who removes such boat from this state within 10 days after the date of purchase or, when the boat is repaired or altered, within 10 days after completion of such repairs or alterations. In no event shall the boat remain in this state more than 90 days after the date of purchase. This exemption shall not be allowed unless the seller:

1. Obtains from the purchaser within 90 days from the date of sale written proof that the purchaser licensed, registered, or documented the boat outside of the state;

2. Requires the purchaser to sign an affidavit that he has read the provisions of this section; and

3. Makes the affidavit a part of his permanent record.

In the event the purchaser fails to remove the boat from this state within 10 days after purchase or, when the boat is repaired or altered, within 10 days after completion of such repairs or alterations, or permits the boat to return to this state within 6 months from date of departure, the purchaser shall be liable for use tax on the cost price of the boat and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2), and is mandatory and shall not be waived by the department.

Amendment 2—On page 1, line 8 in title, insert after "aircraft;" amending s. 212.05(1), Florida Statutes, to provide for continued sales tax collection on occasional or isolated sales of aircraft;

On motions by Senator Gallen, the Senate concurred in the House amendments.

SB 15 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Peterson	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Scarborough	Williamson
Childers, W. D.	Holloway	Scott	Wilson
Dunn	Johnston	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Gordon	Myers	Thomas, Pat	

Nays—1

Saylor

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Agriculture and Senator Vogt—

CS for SB 373—A bill to be entitled An act relating to environmental control; adding subsection (8) to s. 403.021, Florida Statutes, and amending ss. 403.088(1), 403.141(4), 403.813(2) (g), and 403.817(2), Florida Statutes; establishing responsibility of the Department of Environmental Regulation with respect to control of disease carrying vectors and pests; modifying provisions relative to the application of pesticides to waters in the state; modifying civil liability provisions to exempt certain applications of chemicals from liability for damages; excepting maintenance of certain insect control structures from certain permit requirements; modifying requirements relative to deposit of spoil material; providing protection to landowners with respect to certain mosquito control activities; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 6, line 23, after the period "." insert: *However, where changes in vegetation have been caused by ditching or artificial impounding, plant indicators shall not be used to determine landward extent of waters for regulatory purposes.*

Senator Vogt moved the following amendment to House amendment 1 which was adopted:

Amendment 1A—On page 6, line 23, strike everything after the period and insert: *To the extent that certain lands have come within department jurisdiction pursuant to this section or chapter 253, Florida Statutes, solely due to insect control activities, these lands shall not be subject to permitting requirements for the discharge of dredge or fill material.*

On motion by Senator Vogt, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendment to the House amendment.

CS for SB 373 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gallen	Myers	Thomas, Jon
Barron	Gordon	Peterson	Thomas, Pat
Castor	Gorman	Poston	Tobiassen
Chamberlin	Graham	Renick	Vogt
Childers, Don	Hair	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Wilson
Dunn	MacKay	Skinner	Winn
Firestone	McClain	Spicola	Zinkil

Nays—None

On motion by Senator Vogt, the rules were waived and CS for SB 373 was ordered immediately certified to the House.

On motion by Senator MacKay, the rules were waived and CS for SB 166 was ordered immediately certified to the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senators Poston and Holloway—

SB 227—A bill to be entitled An act relating to highway safety; amending s. 316.159(1), Florida Statutes; requiring only commercial and school buses and vehicles carrying explosive substances or flammable liquids as cargo to stop at railroad crossings; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 4, insert: Section 2. Subparagraph 1. of paragraph (c) of subsection (1) of section 316.1945, F. S., is amended to read:

316.1945 Stopping, standing or parking prohibited in specified places.—

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose, of and while actually engaged in, loading or unloading merchandise or passengers:

1. Within 50 feet of the nearest rail of a railroad crossing; *unless the Department of Transportation establishes a different distance due to unusual circumstances;*

and renumber subsequent section

Senator Poston moved the following amendment to House amendment 1 which was adopted:

Amendment 1A—On page 1, on the unlettered line above line a, strike: "On page 1, line 31" and insert: On page 2, between lines 3 and 4

Amendment 2—On page 1, line 6 in title, after the semi-colon insert: amending s. 316.1945(1)(c), Florida Statutes, authorizing the Department of Transportation to establish the distance within which standing or parking is prohibited with respect to railroad crossings;

Amendment 3—On page 2, line 3, after the word "proceed" insert: *however, any school bus carrying any school child shall be required to stop unless directed to proceed by a police officer*

On motion by Senator Poston, the Senate concurred in House amendment 1 as amended and the House was requested to concur in the Senate amendment to the House amendment.

On motions by Senator Poston, the Senate concurred in House amendments 2 and 3.

SB 227 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Graham	Poston	Thomas, Pat
Castor	Hair	Renick	Tobiasen
Chamberlin	Henderson	Scarborough	Trask
Childers, Don	Johnston	Scott	Vogt
Childers, W. D.	McClain	Skinner	Ware
Gallen	Myers	Spicola	Williamson
Gorman	Peterson	Thomas, Jon	

Nays—1

Wilson

Votes after roll call:

Yeas—Winn, Zinkil

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Peterson—

SB 264—A bill to be entitled An act relating to student assistance grants; amending s. 239.461(2)(a), Florida Statutes; limiting grant award to include tuition and fees; providing that students at Florida institutions accredited by a member of the Council on Postsecondary Accreditation are eligible for such grants; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 3, after the word "accreditation" insert: or Florida institutions whose credits are acceptable for transfer to state universities

Amendment 2—On page 1 in title, line 7, after "Accreditation" insert: or whose credits are acceptable for transfer to state universities

On motions by Senator Peterson, the Senate concurred in the House Amendments.

SB 264 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gorman	Poston	Tobiasen
Castor	Graham	Renick	Trask
Chamberlin	Hair	Saylor	Vogt
Childers, Don	Henderson	Scarborough	Ware
Childers, W. D.	Johnston	Skinner	Williamson
Firestone	McClain	Spicola	Wilson
Gallen	Myers	Thomas, Jon	Winn
Gordon	Peterson	Thomas, Pat	Zinkil

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator McClain—

SB 676—A bill to be entitled An act relating to the sales and use tax; amending s. 212.08(8)(b), Florida Statutes; providing and clarifying legislative intent relating to application of the sales and use tax to certain vessels; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 9, strike everything after the enacting clause and insert the following:

Section 1. Paragraph (b) of subsection (8) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution and the storage to be used or consumed in this state, of the following tangible personal property, are hereby specifically exempt from the tax imposed by this chapter.

(8) PARTIAL EXEMPTIONS, VESSELS ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(b) It is the intent of the Legislature that neither subsection (4) nor this subsection (8), whether as currently in effect or as amended by chapter 73-240, Laws of Florida, and in effect between June 22, 1973, and June 13, 1977, shall be construed as imposing the tax provided by this chapter on vessels used as common carriers, contract carriers, or private carriers, engaged in interstate or foreign commerce, except to the extent provided by the pro-rata formula provided in subsection (4) and in paragraph (a) of this subsection (8).

Section 2. Subsection (1) of section 212.11, Florida Statutes, is amended to read:

212.11 Tax returns and regulations.—

(1) The taxes levied hereunder upon rentals, admissions and sales of tangible personal property shall be due and payable monthly on the 1st day of each month, and for the purpose of ascertaining the amount of tax payable under this chapter it shall be the duty of all dealers to make a return, on or before the 20th day of the month to the department, upon forms prepared and furnished by it, showing the rentals, admissions, gross sales or purchases as the case may be, arising from all leases, rentals, admissions, sales or purchases, taxable under this chapter during the preceding calendar month; however, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed \$100 and may authorize a semiannual return and payment when the tax remitted by the dealer for the preceding 6 months did not exceed \$200. The department shall accept returns if postmarked on or before the 20th day of the month. Any dealer who operates two or more places of business for which returns are required to be filed with the department, and who maintains records for such places of business in a central office or place, shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business; however, such consolidated returns must clearly indicate the amounts collected within each county of the state.

Section 3. Subsection (2) of section 212.12, Florida Statutes, is amended, and subsection (14) is added to said section to read:

212.12 Dealer's credit for collecting tax; penalties for non-compliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required; penalties for fraudulent claims of exemption.—

(2) When any person, firm or corporation required hereunder to make any return or to pay any tax imposed by this chapter shall fail to make such return or shall fail to pay such tax, within the time required hereunder, in addition to all other penalties provided herein, and by the laws of Florida in respect to such taxes, the specific penalty shall be added to the tax in the amount of 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed, however, a total penalty of 25 percent in the aggregate; however, in no event shall the penalty be less than \$5. In the case of a false or fraudulent return or a willful intent to evade payment of any tax imposed under this chapter, in addition to the other penalties provided by law, the person making such false or fraudulent return or willfully attempting to evade the payment of such a tax shall be liable to a specific penalty of 50 percent of the tax bill and for fine and punishment as provided by law for a conviction of a misdemeanor of the second degree.

(14) When any person shall fraudulently, for the purpose of evading tax, issue to a vendor or to any agent of the state a certificate or statement in writing in which he claims exemption from sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 100 percent of the tax, shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Subsection (2) of section 212.17, Florida Statutes, is amended to read:

212.17 Credits for returned goods, rentals or admissions; additional powers of department.—

(2) A dealer who has paid the tax imposed by this chapter on tangible personal property sold under a retained title, conditional sale, or similar contract, or under a contract wherein the dealer retains a security interest in the property pursuant to chapter 679, may take credit or obtain a refund for the tax paid by him on the unpaid balance due him when he repossesses (with or without judicial process) the property, *within 12 months following the month in which the property was repossessed in the same manner as he may obtain a credit or a refund under subsection (1) of this section upon the return of purchases.* When such repossessed property is resold, the sale is subject in all respects to the tax imposed by this chapter.

Section 5. Subsection (3) of section 212.18, Florida Statutes, is amended to read:

212.18 Administration of law; rules and regulations.—

(3) Every person desiring to engage in or conduct business in this state as a dealer as defined in this chapter, or to lease, rent or let living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses or tourist or trailer camps as defined in this chapter, shall file with the department a certificate of registration for each place of business, showing the name of the interested persons in such business, their residences, the address of the business and such other data as the department may reasonably require. The application shall be made to the department before the person, firm, copartnership or corporation may engage in such business, and it shall be accompanied by a registration fee of \$5 ~~plus~~. The department, upon receipt of such application, will grant to the applicant a separate certificate of registration for each place of business, which certificate may be canceled by the department or its designated assistants, after due notice and hearing, for any failure by such certificate holder to comply with any of the provisions of this chapter. The certificate shall not be assignable and shall be valid only for the person, firm, copartnership or corporation to whom issued, and such certificate shall be placed in a conspicuous place in the business or businesses for which it is issued, and so displayed at all times. No person shall engage in business as a dealer or in leasing, renting or letting of living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps as hereinbefore defined without first having obtained such a certificate or after such certificate has been canceled, and no person shall receive any license from any authority within the state to engage in any such business without first having obtained such a certificate or after such certificate has been canceled. The engaging in the business of selling or leasing tangible personal property or as a dealer as defined in this chapter, or engaging in leasing, renting or letting of living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses or tourist or trailer camps as hereinbefore defined without such certificate first had and obtained or after being canceled by the department is hereby prohibited. Failure or refusal of any person, firm, copartnership or corporation to so qualify where required hereunder is a misdemeanor of the second degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084; or subject to injunctive proceedings as provided by law.

Section 6. Section 213.051, Florida Statutes, is created to read:

213.051 Service of subpoenas.—For the purpose of administering and enforcing the provisions of the revenue laws of this state the executive director of the Department of Revenue, or any of his assistants designated in writing by him, shall be authorized to serve subpoenas and subpoenas duces tecum issued by the state attorney relating to investigations concerning the taxes enumerated in s. 213.05.

Section 7. This act shall take effect July 1, 1978.

Amendment 2—On page 1, lines 1 through 7, strike the complete title and insert the following:

A bill to be entitled An act relating to taxation; amending s. 212.08(8)(b), Florida Statutes, providing and clarifying

legislative intent concerning the application of sales and use taxes to vessels; amending s. 212.11(1), Florida Statutes, allowing certain dealers to file reports and remit taxes on a quarterly or semiannual basis; amending s. 212.12(2), Florida Statutes, and adding subsection (14), providing that the minimum penalty for failure to file a return or remit the proper tax shall be \$5; providing penalties for fraudulently obtaining a sales tax exemption; amending s. 212.17(2), Florida Statutes, providing a period of time during which a dealer may obtain a credit or refund for taxes remitted on items which are subsequently repossessed; amending s. 212.18(3), Florida Statutes, increasing from \$1 to \$5 the application fee for registering as a dealer; creating s. 213.051, Florida Statutes, providing that certain personnel of the Department of Revenue shall be authorized to serve subpoenas and subpoenas duces tecum; providing an effective date.

On motions by Senator McClain, the Senate concurred in the House Amendments.

SB 676 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Graham	Sayler	Vogt
Chamberlin	Hair	Scarborough	Ware
Childers, Don	Henderson	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Wilson
Firestone	MacKay	Spicola	Winn
Gallen	McClain	Thomas, Jon	Zinkil
Glisson	Myers	Thomas, Pat	
Gordon	Poston	Tobiassen	
Gorman	Renick	Trask	

Nays—None

Vote after roll call:

Yea—Dunn

The bill was ordered engrossed and then enrolled.

Senator Gallen moved that the Senate reconsider the vote by which SB 15 as amended by the House amendments passed this day. The motion was placed on the calendar for consideration May 18.

SPECIAL ORDER

HM 341—A memorial to the President and Congress of the United States, urging the adoption of a policy of no trade agreements between the United States and Cuba until the Cuban Government accounts for American and Cuban lives and compensates Americans for the confiscation of their property.

—was read the second time in full. On motion by Senator W. D. Childers, HM 341 was adopted and certified to the House. The vote was:

Yeas—27

Mr. President	Graham	Renick	Tobiassen
Chamberlin	Hair	Sayler	Vogt
Childers, Don	Henderson	Scarborough	Ware
Childers, W. D.	Johnston	Skinner	Williamson
Firestone	McClain	Spicola	Wilson
Glisson	Myers	Thomas, Jon	Winn
Gorman	Poston	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Dunn

SB 386 was taken up and on motion by Senator Spicola—

HB 752—A bill to be entitled An act relating to roads and highways; authorizing and directing the Department of Transportation to redesignate that portion of the Florida Turnpike known as the Wildwood Interchange as the "John M. Hammer Interchange"; providing for the erection of signs and markers; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Spicola, by two-thirds vote HB 752 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	McClain	Thomas, Jon
Castor	Gordon	Myers	Thomas, Pat
Chamberlin	Gorman	Peterson	Tobiassen
Childers, Don	Graham	Poston	Vogt
Childers, W. D.	Hair	Renick	Ware
Dunn	Henderson	Scarborough	Williamson
Firestone	Johnston	Skinner	Wilson
Gallen	MacKay	Spicola	Winn

Nays—None

Vote after roll call:

Yea—Trask

SB 386 was laid on the table.

MATTERS ON RECONSIDERATION

The motion by Senator Spicola on May 11, that the Senate reconsider the vote by which—

SB 681—A bill to be entitled An act relating to the Real Estate License Law; adding s. 475.01(14), Florida Statutes; providing that certain terms relating to the employment relationship include an independent contractor relationship under certain circumstances; amending s. 475.21, Florida Statutes; providing for renewal fees for the certificates of certain non-active salesmen and brokers; amending s. 475.23, Florida Statutes; requiring certain real estate schools to notify the real estate commission of any change of address; requiring real estate instructors to notify the real estate commission of any change of employer; amending s. 475.24, Florida Statutes; providing for annual registration fees for branch offices; amending s. 475.25(1)(c), (i), Florida Statutes; adding s. 475.25(1)(j), Florida Statutes; requiring registrants to take certain action when in doubt as to the person entitled to accounting and delivery of escrowed property or when conflicting demands are made for such property; providing that failure to account for or deliver certain property is grounds for suspension of registration; providing exceptions; providing that failure to inform the commission of a guilty plea, plea of nolo contendere, conviction, or finding of guilt of certain felonies is grounds for suspension of registration; amending s. 475.451(2), Florida Statutes; requiring an applicant for a permit to teach in a real estate school to pass an examination as a real estate instructor or be a registered broker; providing an effective date.

—passed on May 10, was taken up and adopted; and the Senate reconsidered the vote.

Senator Spicola moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 4, lines 8 through 10, strike “for a period not exceeding 2 years, or until compliance with a lawful order imposed in the final order of suspension, or both,”

SB 681 as amended was read by title, passed and ordered engrossed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Peterson	Trask
Castor	Gorman	Poston	Vogt
Chamberlin	Graham	Renick	Ware
Childers, Don	Hair	Scarborough	Williamson
Childers, W. D.	Henderson	Skinner	Wilson
Dunn	Johnston	Spicola	Winn
Firestone	MacKay	Thomas, Jon	Zinkil
Gallen	McClain	Thomas, Pat	
Glisson	Myers	Tobiassen	

Nays—None

The motion by Senator MacKay that the Senate reconsider the vote by which HB 1043 passed May 10 was not taken up and therefore considered abandoned.

On motion by Senator Jon Thomas, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

INTRODUCTION

By Senators Jon Thomas, Scott and Williamson—

SB 1346—A bill to be entitled An act relating to the Cities of Fort Lauderdale and Oakland Park, Broward County; contracting the corporate limits of the City of Fort Lauderdale; extending and enlarging the corporate limits of the City of Oakland Park; providing an effective date.

Proof of publication of the required notice was attached.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Jon Thomas, by two-thirds vote SB 1346 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar. On motions by Senator Jon Thomas by unanimous consent, SB 1346 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Peterson	Tobiassen
Castor	Gorman	Poston	Trask
Chamberlin	Graham	Renick	Vogt
Childers, Don	Hair	Scarborough	Ware
Childers, W. D.	Henderson	Scott	Williamson
Dunn	Johnston	Skinner	Wilson
Firestone	MacKay	Spicola	Winn
Gallen	McClain	Thomas, Jon	Zinkil
Glisson	Myers	Thomas, Pat	

Nays—None

On motion by Senator Jon Thomas, the rules were waived and SB 1346 was ordered immediately certified to the House.

SPECIAL ORDER, continued

SB 758—A bill to be entitled An act relating to the Beverage Law; amending s. 561.221, Florida Statutes; providing that a manufacturer of malt beverages or wine not be prohibited from obtaining up to two vendor's licenses for the sale of alcoholic beverages; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 758 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	McClain	Thomas, Pat
Castor	Gordon	Myers	Tobiassen
Chamberlin	Gorman	Peterson	Vogt
Childers, Don	Graham	Poston	Ware
Childers, W. D.	Hair	Renick	Williamson
Dunn	Henderson	Scarborough	Wilson
Firestone	Johnston	Skinner	Winn
Gallen	MacKay	Thomas, Jon	Zinkil

Nays—None

On motion by Senator Gallen, the rules were waived and SB 758 was ordered immediately certified to the House.

CS for SB 325 by the Committee on Education was read the first time by title and SB 325 was laid on the table.

On motion by Senator Tobiassen—

CS for HB 654—A bill to be entitled An act relating to education; amending ss. 240.052(5) and 230.761(2)(b), Florida Statutes, to allow students receiving veterans' benefits to defer registration and tuition fee payment at community colleges and universities under certain circumstances; providing for the collection or settlement of delinquent accounts; repealing s. 240.052(4), Florida Statutes, relating to 60-day deferments of registration fees for veterans or eligible persons; providing an effective date.

—a companion measure was substituted for CS for SB 325 and read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Tobiasen and adopted:

Amendment 1—On page 1, line 29 and on page 2, line 18, after the word, "Veterans" insert: *and other eligible students*

Senator Tobiasen moved the following amendment which was adopted:

Amendment 2—On page 1 in title, line 4, after the word "benefits" insert: *and other eligible students*

On motion by Senator Tobiasen, by two-thirds vote CS for HB 654 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	McClain	Thomas, Pat
Barron	Gordon	Myers	Tobiasen
Castor	Gorman	Peterson	Vogt
Childers, Don	Graham	Poston	Ware
Childers, W. D.	Hair	Renick	Williamson
Dunn	Henderson	Saylor	Wilson
Firestone	Johnston	Scott	Winn
Gallen	MacKay	Thomas, Jon	Zinkil

Nays—None

CS for SB 325 was laid on the table.

By the Committee on Agriculture and Senators Zinkil and Renick—

CS for SB 26—A bill to be entitled An act relating to the preservation of native flora; creating s. 581.185, Florida Statutes; providing an endangered plant list; prohibiting the destruction, injury, harvesting, collection, picking, or removal of any plant on such list from certain locations without written permission; requiring a permit issued by the Department of Agriculture and Consumer Services in certain cases; providing a threatened plant list; prohibiting the destruction, injury, harvesting, collection, picking or removal of any plant on such list from certain locations without written permission; prohibiting the transportation and sale of illegally collected plants; requiring written permission and permit to be in immediate possession when destroying, harvesting, removing, transporting, or selling endangered or threatened plants; providing for review of the lists and of said section; providing defenses to prosecution; providing for certain sales by nurserymen; exempting persons engaged in logging operations; providing powers and duties of inspectors and agents of the department; providing for notice by Department of Transportation of highway construction; creating s. 581.186, Florida Statutes; creating the Endangered Plant Advisory Council and prescribing its membership and duties; creating s. 581.187, Florida Statutes; providing exemptions for Seminole Indians; amending s. 581-211, Florida Statutes; providing penalties; repealing ss. 865.06 and 865.062, Florida Statutes, which provide for the preservation of wild trees, shrubs, and plants and prescribe violations, penalties, and exemptions; providing an effective date.

—was read the first time by title and SB 26 was laid on the table.

On motion by Senator Zinkil, by two-thirds vote CS for SB 26 was read the second time by title.

Senator Zinkil moved the following amendments which were adopted:

Amendment 1—On page 10, strike all of lines 20 through 24, and insert: (7) LOGGING AND UTILITY OPERATIONS.—Any person or business removing, trimming or transporting any of the native plants on the Endangered Plant List provided in subsection (2), or the Threatened Plant List provided in subsection (3), as an incidental part of installing or maintaining a public utility service as defined in s. 876.37(3), or as an incidental part of a logging operation, shall not be in violation of this section.

Amendment 2—On page 13, lines 11 and 12, strike "The Seminole Indians of Florida" and insert: All Florida Indians, as defined in s. 285.11, Florida Statutes,

Amendment 3—On page 1 in title, line 24, after "logging" insert: *and utility*

Amendment 4—On page 2 in title, line 1, strike "Seminole" and insert: *Florida*

On motion by Senator Zinkil, by two-thirds vote CS for SB 26 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Glisson	Poston	Trask
Barron	Gorman	Renick	Vogt
Castor	Graham	Saylor	Williamson
Chamberlin	Hair	Scarborough	Wilson
Childers, Don	Johnston	Scott	Winn
Childers, W. D.	MacKay	Skinner	Zinkil
Dunn	McClain	Thomas, Jon	
Firestone	Myers	Thomas, Pat	
Gallen	Peterson	Tobiasen	

Nays—None

SB 541—A bill to be entitled An act relating to investments; amending s. 215.47(2)(d), Florida Statutes; allowing the investment of moneys from certain state trust funds or agency funds, to the extent of 10 percent of such fund, in interest-bearing obligations of the Asian Development Bank; amending s. 625.316, Florida Statutes; allowing an insurer to invest in obligations issued, assumed, or guaranteed by the Asian Development Bank; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 541 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Castor	Gordon	Myers	Tobiasen
Childers, Don	Graham	Peterson	Trask
Childers, W. D.	Hair	Poston	Winn
Firestone	Henderson	Renick	Zinkil
Gallen	Johnston	Thomas, Jon	
Glisson	McClain	Thomas, Pat	

Nays—11

Chamberlin	MacKay	Skinner	Williamson
Dunn	Saylor	Vogt	Wilson
Gorman	Scarborough	Ware	

On motion by Senator Gallen, the rules were waived and SB 541 was ordered immediately certified to the House.

SB 131—A bill to be entitled An act relating to public schools; requiring each school district to spend as much of the state funds allocated for instructional materials as necessary to provide each student in grades 1 through 12 with one copy of each textbook used for instruction in certain basic skills; prohibiting a district school board from soliciting or charging any fee for any instructional materials or aids used in the public schools of that district; amending s. 230.23(7), Florida Statutes; requiring each district school board to provide free of charge adequate instructional materials and aids for all students; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Peterson:

Amendment 1—On page 1, line 24, strike the word "or" and insert: *and*

Senator Peterson moved the following substitute amendment which was adopted:

Amendment 2—On page 1, strike all of lines 19-24 and insert: Section 1. Each school district shall establish as first priority

in the expenditure of state funds for instructional materials the acquisition of suitable materials in the basic skills for each student in grades 1 through 12.

Senator Peterson moved the following amendment which was adopted:

Amendment 3—On page 2, after line 24, insert a new Section 4: Section 4. Subsection (2) of section 233.34, Florida Statutes, is amended to read:

233.34 Use of instructional materials allocation; instructional and instructional-related materials, library, and reference books.—

(2) Each school district shall use the annual allocation for the purchase of instruction materials included on the state adopted list. However, up to 35 25 percent of the annual allocation may be used for the purchase of instructional materials, including library and reference books, not included on the state-adopted list and for the repair and renovation of textbooks and library books.

(Renumber subsequent section.)

The Committee on Appropriations offered the following amendments which were moved by Senator Don Childers and adopted:

Amendment 4—On page 1, line 27, after "the" insert: basic courses, reading, writing and mathematics in the

Amendment 5—On page 2, line 6, after "aids" insert: in the basic courses, reading, writing and mathematics

Amendment 6—On page 1, line 24, after the word "writing," insert: composition,

Senator Peterson moved the following amendments which were adopted:

Amendment 7—On page 1 in title, lines 2-11, strike everything beginning with the word "requiring" on line 2 through the word "district" on line 11 and insert: providing for the first priority use of state funds for instructional materials

Amendment 8—On page 1 in title, line 15, insert after the semicolon (";"): amending s. 233.34, Florida Statutes; providing for the use of instructional materials allocations;

On motion by Senator Peterson, by two-thirds vote SB 131 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Glisson	MacKay	Thomas, Jon
Barron	Gordon	McClain	Vogt
Castor	Gorman	Myers	Ware
Chamberlin	Graham	Peterson	Williamson
Childers, Don	Hair	Renick	Winn
Childers, W. D.	Henderson	Scarborough	Winn
Dunn	Holloway	Scott	Zinkil
Firestone	Johnston	Skinner	

Nays—None

Vote after roll call:

Yea—Trask

SB 191—A bill to be entitled An act relating to funding the operation of public schools; amending s. 236.081(2), Florida Statutes; changing the method for computing the district cost differentials used in the Florida Education Finance Program; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Tobiasen and adopted:

Amendment 1—On page 2, line 3, strike "July 1, 1978" and insert: immediately upon becoming law

Senator Tobiasen moved the following amendment:

Amendment 2—On page 1, lines 17-29, strike entire subsection (2) and insert: (2) District Cost Differentials.

The district cost differentials are as follows:

DISTRICT COST DISTRICT DIFFERENTIALS		DISTRICT COST DISTRICT DIFFERENTIALS	
ALACHUA	1.0000	LAKE	1.0000
BAKER	1.0000	LEE	1.0600
BAY	1.0000	LEON	1.0000
BRADFORD	1.0000	LEVY	1.0000
BREVARD	1.0000	LIBERTY	1.0000
BROWARD	1.0900	MADISON	1.0000
CALHOUN	1.0000	MANATEE	1.0600
CHARLOTTE	1.0000	MARION	1.0000
CITRUS	1.0000	MARTIN	1.0000
CLAY	1.0000	MONROE	1.0900
COLLIER	1.0000	NASSAU	1.0000
COLUMBIA	1.0000	OKALOOSA	1.0000
DADE	1.0900	OKEECHOBEE	1.0000
DE SOTO	1.0000	ORANGE	1.0000
DIXIE	1.0000	OSCEOLA	1.0000
DUVAL	1.0000	PALM BEACH	1.0900
ESCAMBIA	1.0300	PASCO	1.0000
FLAGLER	1.0000	PINELLAS	1.0600
FRANKLIN	1.0000	POLK	1.0000
GADSDEN	1.0000	PUTNAM	1.0000
GILCHRIST	1.0000	ST. JOHNS	1.0000
GLADES	1.0000	ST. LUCIE	1.0000
GULF	1.0000	SANTA ROSA	1.0300
HAMILTON	1.0000	SARASOTA	1.0600
HARDEE	1.0000	SEMINOLE	1.0000
HENDRY	1.0000	SUMTER	1.0000
HERNANDO	1.0000	SUWANNEE	1.0000
HIGHLANDS	1.0000	TAYLOR	1.0000
HILLSBOROUGH	1.0600	UNION	1.0000
HOLMES	1.0000	VOLUSIA	1.0000
INDIAN RIVER	1.0000	WAKULLA	1.0000
JACKSON	1.0000	WALTON	1.0000
JEFFERSON	1.0000	WASHINGTON	1.0000
LAFAYETTE	1.0000		

Senator Scarborough presiding

Senator Gordon moved the following substitute amendment which failed:

Amendment 3—On page 1, lines 17-29, strike entire subsection (2) and insert: (2) Each county shall receive a sum in addition to its FEFP allocation which shall be computed by multiplying the number of public school employees times the average cost of automobile insurance as certified by the insurance commissioner

Amendment 2 failed. The vote was:

Yeas—13

Barron	Gorman	Scarborough	Trask
Castor	Henderson	Skinner	
Childers, W. D.	McClain	Thomas, Pat	
Glisson	Peterson	Tobiasen	

Nays—22

Chamberlin	Hair	Renick	Williamson
Childers, Don	Holloway	Saylor	Wilson
Dunn	Johnston	Scott	Winn
Firestone	MacKay	Thomas, Jon	Zinkil
Gordon	Myers	Vogt	
Graham	Poston	Ware	

On motion by Senator Tobiasen, by two-thirds vote SB 191 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Castor	Firestone	Hair	McClain
Chamberlin	Glisson	Henderson	Myers
Childers, Don	Gordon	Holloway	Peterson
Childers, W. D.	Gorman	Johnston	Poston
Dunn	Graham	MacKay	Renick

Sayler	Thomas, Jon	Vogt	Wilson
Scarborough	Thomas, Pat	Ware	Winn
Scott	Tobiassen	Williamson	Zinkil
Skinner	Trask		

Nays—None

On motion by Senator Scott the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

CS for SB 261—A bill to be entitled An act relating to private property rights; providing definitions; providing that any person aggrieved by a decision of a governmental agency with respect to a permit may seek review in the circuit court; providing remedies; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 19-24, strike all said lines and insert: Section 2. Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; provided, however, that circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules, and based on competent substantial evidence shall proceed in accordance with Chapter 120, Florida Statutes.

Amendment 2—On page 1, line 31, strike “; or” and insert: , provided however, in determining the amount of compensation to be paid, consideration shall be given by the court to any enhancement to the value of the land attributable to governmental action; or

Amendment 3—On page 2, lines 12-13, strike all said lines and insert: Section 5. The court shall award reasonable attorney's fees and court costs to the agency, or substantially affected person, whichever prevails.

Amendment 4—On page 2, line 14, strike Section 6. and renumber subsequent sections

On motions by Senator Scott, the Senate concurred in House Amendments 1, 2 and 3; refused to concur in House Amendment 4 and the House was requested to recede therefrom.

CS for SB 261 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Castor	Gorman	Poston	Tobiassen
Chamberlin	Graham	Renick	Trask
Childers, Don	Hair	Sayler	Vogt
Childers, W. D.	Henderson	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Winn
Glisson	McClain	Thomas, Jon	Zinkil
Gordon	Peterson	Thomas, Pat	

Nays—None

The President presiding

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB's 1139 & 1321 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Gustafson—

CS for HB's 1139 & 1321—A bill to be entitled An act relating to the preservation of native flora; creating s. 581.185, Florida Statutes; providing an endangered plant list; prohibiting the destruction, injury, harvesting, collection, picking, or removal of any plant on such list from certain locations without written permission; requiring a permit issued by the Department of Agriculture and Consumer Services in certain cases; providing a threatened plant list; prohibiting the destruction, injury, harvesting, collection, picking or removal of any plant on such list from certain locations without written permission; prohibiting the transportation and sale of illegally collected plants; requiring written permission and permit to be in immediate possession when destroying, harvesting, removing, transporting, or selling endangered or threatened plants; providing for review of the lists and of said section; providing defenses to prosecution; providing for certain sales by nurseries; exempting persons engaged in logging and utility operations; providing powers and duties of inspectors and agents of the department; providing for notice by Department of Transportation of highway construction; creating s. 581.186, Florida Statutes; creating the Endangered Plant Advisory Council and prescribing its membership and duties; creating s. 581.187, Florida Statutes; providing exemptions for Florida Indians; amending s. 581.211, Florida Statutes; providing penalties; repealing ss. 865.06 and 865.062, Florida Statutes, which provide for the preservation of wild trees, shrubs, and plants and prescribe violations, penalties, and exemptions; providing an effective date.

—was read the first time by title and on motions by Senator Zinkil, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

On motion by Senator Zinkil, the rules were waived and the Senate immediately reconsidered the vote by which CS for SB 26 as amended passed this day.

Pending further consideration of CS for SB 26 as amended, on motions by Senator Zinkil, by two-thirds vote CS for HB's 1139 and 1321, a companion measure, was substituted for CS for SB 26 and by two-thirds vote read the second time by title. On motion by Senator Zinkil, by two-thirds vote CS for HB's 1139 and 1321 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gordon	Poston	Vogt
Castor	Gorman	Renick	Ware
Chamberlin	Graham	Sayler	Williamson
Childers, Don	Hair	Scarborough	Wilson
Childers, W. D.	Henderson	Scott	Winn
Dunn	Johnston	Skinner	Zinkil
Firestone	MacKay	Thomas, Jon	
Gallen	McClain	Thomas, Pat	
Glisson	Peterson	Trask	

Nays—None

CS for SB 26 was laid on the table.

On motion by Senator Castor, the rules were waived and SB 694 was ordered immediately certified to the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2044 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education—

HB 2044—A bill to be entitled An act relating to educational capital outlay; providing an appropriation from the Public Education Capital Outlay and Debt Service Trust Fund for public educational facilities for the 1978-1979 fiscal year; providing for allocations to the 67 school boards, the 28 boards of trustees of the community colleges, the Board of Regents, the Board of Trustees of the Florida School for the

Deaf and the Blind, the Board of Trustees of the Palm Beach Community College for construction of community education facilities, the School Board of Marion County for construction of a cooperative-use facility high school, the State Board of Education for evaluation and design of branch campuses, the educational television and radio system, the Division of Blind Services of the Department of Education, and the Department of Offender Rehabilitation for construction of vocational laboratories at correctional institutions; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

On motions by Senator Peterson, by two-thirds vote HB 2044 was withdrawn from the Committee on Education and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Peterson, by two-thirds vote HB 2044 was read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—On page 1, line 26, strike everything after the enacting clause and insert: Section 1. Subsection (2) of section 235.195, Florida Statutes, is amended to read:

235.195 Cooperative development and use of facilities by two or more boards.—

(2) The commissioner shall cause the requested educational plant survey to be conducted within 90 days after receiving the joint resolution and substantiating data and shall evaluate the findings of the survey in terms of the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed plant. The commissioner shall then present his evaluation of the request to the State Board of Education and, if his evaluation is in favor of the project, shall request the approval of the state board for the project. Upon approval of the project by the state board, the commissioner shall include each approved project in the annual comprehensive budget for educational facilities including an estimated cost for completing each project not to exceed two-thirds of the cost of the project after the participating boards have made the necessary commitment to finance the remaining one-third. Public Education Capital Outlay and Debt Service Trust Funds may not be expended on any project unless specifically authorized by the Legislature in the General Appropriations Act allocate the funds from the trust fund necessary to construct the approved facility, not to exceed 20 percent of the total cost of the project; however, the participating boards shall, through cooperative efforts, provide the State Board of Education with the site for such facility.

Section 2. Subsection (3) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant construction and debt service.—The annual allocation from the Public Education Capital and Debt Service Trust Fund to each board, including the Board of Regents, for comprehensive construction and debt service shall be determined as follows:

(3) Funds accruing to a board from the provisions of this section shall be expended on needed projects as shown by a survey or surveys under rules of the state board. Funds allocated to each board in fiscal years prior to 1977-1978 may be spent on projects as defined in this subsection. The priority of expenditure by boards shall be as follows:

(a) Classrooms, special instructional facilities, and remodeling necessary to provide needed student stations at either a new or existing center, as determined by the board, based on student population projections and the educational plant survey; sites or additions to sites and site improvement, incident to new construction or to make a site addition usable; restoration and correction as required by s. 235.06 of deficiencies which produce an unsafe, unhealthy, or unsanitary environment for occupants of educational facilities, except that, based upon the need as determined by the commissioner in the formula calculations, up to one-tenth of a board's annual allocation shall be expended on restoration and correction of such deficiencies. Pursuant to rules of the state board, the office shall determine what percentage of a board's total capital outlay need is generated by needed remodeling of existing facilities. The office

is directed to develop a facility depreciation formula for adoption by the state board. In addition, a board may repay the principal on loans for capital projects as provided in section 237.161.

(b) Special instructional and auxiliary facilities needed to improve the program at an educational plant, but not necessary to increase the student stations; remodeling of existing buildings which would substantially improve the utility of the space; replacing, remodeling, or adding to the existing heating, cooling, lighting, and sanitary facilities at an educational plant. Any facilities described above shall qualify as first priority when constructed as a part of a new educational center or as an addition to an existing educational center, if more than one-half of the facility to be constructed is designated as first priority. When an existing educational plant is determined to be unsuitable pursuant to the survey conducted under s. 235.15, the board may, by resolution, designate the plant as an historic education facility and may use funds generated for renovation and repair pursuant to paragraph (a) to restore the facility for use by the board. The board shall agree to pay all renovation costs in excess of funds generated through the State Board of Education depreciation formula applied to that facility. The board shall further agree that the plant shall continue to house students.

(c) Energy projects, including studies of the energy efficiency of existing facilities and renovations designed to increase the energy efficiency of existing facilities.

(d) Library books and equipment.

(e) All other formula-generated projects.

(f) All nonformula-generated projects; however, any funds earmarked for a board for nonformula-generated items shall be deducted from that board's entitlement for formula-generated items calculated pursuant to this section.

(g) Debt service for district bonds serviced by voted ad valorem taxes.

Section 3. Section 230.2315, Florida Statutes, is created to read:

230.2315 Educational alternative programs.—

(1) **LEGISLATIVE INTENT.**—The Legislature finds and declares that the maintenance of a healthy learning environment is essential to the educational process and the general welfare of the school population. The Legislature further finds that traditional school programs which do not meet certain students' individual needs and interests may encourage these students to become disruptive or disinterested in school. Therefore, it is the intent of this act that educational alternative programs be established throughout the state which programs will assist students in preparing for their roles in the community; reduce the incidence of disruptive behavior and truancy in the public schools; reduce the number of students referred to special services or agencies; and, generally, offer alternatives to conventional education which will meet the needs and interests of those students now poorly served by the public school system. It is further the intent of the Legislature that such alternatives be positive rather than punitive and emphasize each student's abilities in order to ensure the full realization of the potential of such student.

(2) **DEFINITIONS.**—Educational alternative programs are programs designated to meet the needs of students who are disruptive or unsuccessful in a normal school environment. Such programs shall be in one or more of the following forms:

(a) Learning centers which specialize in subject areas such as occupational skills, communication, and the performing arts and in which students may attend on either a full-time or part-time basis.

(b) Crisis intervention centers and in-school suspension programs which provide a temporary intervention program for students who experience difficulty in the normal classroom environment because of behavioral problems and for whom teachers are unable to provide an appropriate educational program.

(c) Any other alternative to suspension or expulsion approved by the district school board.

(3) **ADMINISTRATION.**—Each district school board may establish one or more educational alternative programs. The programs shall be coordinated with social service, law enforce-

ment, prosecutorial, and juvenile justice agencies in the school district. These agencies are authorized to exchange information contained in student records, criminal justice records, and juvenile justice records. School districts and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the educational alternative programs, and such agencies shall maintain the confidentiality of such information unless otherwise provided by law or regulation.

(4) **ELIGIBILITY OF STUDENTS.**—Pursuant to rules adopted by the State Board of Education, students may be eligible for an educational alternative program if:

(a) The student is disruptive, unsuccessful, or disinterested in the regular school environment as determined by grades, achievement test scores, referrals for suspension or other disciplinary action, and rate of absences; or

(b) It can be otherwise demonstrated that the student would benefit from an educational environment that is different from that found in conventional classrooms.

(5) **REVIEW OF PLACEMENT.**—The parents of a student shall be entitled to an administrative review of any action by school district personnel relating to placement of the student in an alternative program, pursuant to the provisions of chapter 120. The placement of any student in an educational alternative program shall be reevaluated by the district upon completion by the student of a court adjudicated detention or punishment.

Section 4. Paragraphs (c) and (d) of subsection (1) and subsection (5) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of school shall be determined as follows:

(1) **COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR CURRENT OPERATION.**—The following procedure shall be followed in determining the annual allocation to each district for current operation:

(c) **Determination of programs.**—Cost factors based on desired relative cost differences between the following programs are hereby established. However, the application of cost factors in part-time programs for exceptional students shall be limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. The criteria for qualification for the special programs, *including maximum case loads for part-time programs*, shall be determined by regulations of the state board. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten.

1. Basic programs.—	Cost Factor
a. Kindergarten and grades 1, 2, and 3	1.234
b. Grades 4, 5, 6, 7, 8, and 9	1.00
c. Grades 10, 11 and 12	1.10
d. Educational alternatives	2.00
2. Special programs for exceptional students.—	
a. Educable mentally retarded	2.30
b. Trainable mentally retarded	3.00
c. Physically handicapped	3.50
d. Physical and occupational therapy part-time 6.54	6.00
e. Speech and hearing therapy part-time 7.01	10.00
f. Deaf	4.00
g. Visually handicapped part-time	10.00
h. Visually handicapped	3.50
i. Emotionally disturbed part-time 5.52	7.50
j. Emotionally disturbed	3.70

k. Socially maladjusted	2.20
kl. Specific learning disability part-time 4.55	7.50
lm. Specific learning disability	2.30
mn. Gifted part-time	3.00
no. Hospital and homebound part-time 13.53	15.00
o. Profoundly handicapped	6.50
3. Special vocational-technical programs.—	
a. Agriculture	2.27
b. Office	1.61
c. Distributive	1.36
d. Diversified	1.38
e. Health	1.36
f. Public Service	1.40
g. Home Economics	1.71
h. Technical, trade and industrial	2.06
i. Exploratory	1.43
j. Job-related supplemental	1.00
a. Vocational education I	4.26
b. Vocational education II	2.64
c. Vocational education III	2.18
d. Vocational education IV	1.60
e. Vocational education V	1.40
f. Vocational education VI	1.17
4. Special adult general education programs.—	
a. Adult basic education and adult high school	1.10 1.28
b. Community service	0.675

(d) **Allocation of full-time equivalents.**—The department is authorized and directed to review all district programs in the areas of *educational alternatives*, exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department, *provided, however, that in determining the assignment for educational alternatives priority shall be given to those students who have been referred for disciplinary action to court or juvenile authorities or who have been suspended more than once or expelled.* Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests, with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.

1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, *educational alternative programs*, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education *and*, adult high school, *and community service*, in any school fiscal year shall not exceed the maximum prescribed in the current year's General Appropriations Act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time membership multiplied by the appropriate cost factors

exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00. ~~Excess full-time equivalent membership in community service programs shall be computed at a cost factor of 0.0.~~

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program shall be funded for more than 4 fiscal years from the date of original authorization or from July 1, 1973, whichever is later. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. ~~Educational leadership training act programs as provided by law.~~
- 3.4. School lunch programs ~~for the needy~~ as provided by law.
- 4.5. Instructional material funds as provided by law.
6. ~~Vocational improvement fund as provided by law.~~
- 5.7. Student transportation as provided by law.
- 6.8. Student development services as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.
2. ~~Driver education as provided by law.~~
3. ~~Safe schools program as provided by law.~~
- 2.4. Comprehensive health education as provided by law.
- 3.5. Exceptional child support services as provided by law.
6. ~~Profoundly handicapped as provided by law.~~

Section 5. Paragraph (c) of subsection (2) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(2) EDUCATION EVALUATION.—The Commissioner of Education shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board. Such evaluations shall include, but not be limited to:

(c) The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board and the procedures for placement established by that district school board.

Section 6. Paragraph (a) of subsection (3) of section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) For each program established in subparagraphs ~~paragraph~~ 236.081(1)(c)1. and 4., and for the aggregate of all programs in subparagraphs 236.081(1)(c)2. and 3., computed separately for each subparagraph, each district, on an aggregate basis, shall expend an amount equal to at least 80 percent of the funds generated for that program on the total school costs for that program.

Section 7. Sections 229.542, 229.543, 229.545, and 232.255 and paragraph (n) of subsection (4) of section 230.23, Florida Statutes, are hereby repealed.

Section 8. Subsection (2) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current year's district cost differential. ~~In computing~~ The district cost differential shall be calculated by adding each district's price level index as published in the commissioner shall obtain, from the most recent publication of the Florida Price Level Index, prepared by the Department of Administration, for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied each district's price level index and multiply each index by 0.008 and to the resulting product shall be added add 0.200; the sum thus obtained shall be the cost differential for that district for that year. ~~The district cost differentials to be used in calculating the Florida Education Finance Program in any year shall be computed as prescribed herein.~~

Section 9. This act shall take effect July 1, 1978, except Section 8., which shall take effect upon becoming law.

Senator Zinkil moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On pages 6-10, strike all of Section 4

Amendment 1 as amended was adopted.

Senator Peterson moved the following amendment:

Amendment 2—On page 1, lines 1-22, strike the entire title and insert: A bill to be entitled An act relating to education; amending s. 235.195(2), Florida Statutes; changing the limitation on the amount of state participation in each approved project; requiring that each project be specifically authorized in the General Appropriations Act; requiring that the participating boards commit funds for one-third of the project cost; providing that the cooperating boards shall provide a site for such facility; amending s. 235.435(3), Florida Statutes, to specify that funds allocated from the Public Education Capital and Debt Service Trust Fund to certain boards in fiscal years prior to 1977-1978 may be spent on needed projects as defined; creating s. 230.2315, Florida Statutes; providing for educational alternative programs for students who are disruptive or unsuccessful in a normal school environment; providing legislative intent; providing definitions; amending ss. 236.081(1)(c), (d), (5), 229.565(2)(c), Florida Statutes; providing for annual funding of district school programs; providing for periodic evaluation of district student selection procedures for educational alternative programs; amending s. 237.34(3)(a), Florida Statutes, providing for program expenditure requirements; repealing ss. 229.542, 229.543, 229.545, 230.23(4)(n), 232.255, Florida Statutes, relating to district programs for educational leadership training, exceptional children, and safety of the school environment from vandalism and disruption; amending s. 236.081(2), Florida Statutes; changing the method for computing the district cost differentials used in the Florida Education Finance Program; providing an effective date.

Senator Zinkil moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 1 in title, lines 19-20, and page 2, lines 1-4 strike all of said lines and insert: lative intent; providing definitions;

Amendment 2 as amended was adopted.

On motion by Senator Castor, the Senate reconsidered the vote by which Amendment 1 as amended was adopted.

Senator Castor moved that the Senate reconsider the vote by which Amendment 1A was adopted. The motion was adopted. The vote was:

Yeas—19

Castor	Gorman	Myers	Trask
Childers, W. D.	Hair	Peterson	Vogt
Dunn	Henderson	Scarborough	Ware
Glisson	MacKay	Thomas, Pat	Wilson
Gordon	McClain	Tobiassen	

Nays—13

Chamberlin	Johnston	Scott	Winn
Childers, Don	Poston	Thomas, Jon	Zinkil
Firestone	Renick	Williamson	
Graham	Sayler		

The question recurred on Amendment 1A which failed.

Senator Graham moved the following amendment to Amendment 1 which failed:

Amendment 1B—Strike on page 6, lines 19-33; on page 7, lines 1-33; and on page 8, lines 1-18.

Amendment 1 was adopted.

On motion by Senator Castor, the Senate reconsidered the vote by which Amendment 2 as amended was adopted.

On motion by Senator Castor, the Senate reconsidered the vote by which Amendment 2A was adopted. Amendment 2A failed.

Amendment 2 was adopted.

On motion by Senator Peterson, by two-thirds vote HB 2044 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Renick	Vogt
Chamberlin	Henderson	Sayler	Ware
Childers, Don	Holloway	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Wilson
Dunn	MacKay	Skinner	Winn
Firestone	McClain	Thomas, Jon	Zinkil
Gallen	Peterson	Thomas, Pat	
Gorman	Plante	Tobiassen	
Graham	Poston	Trask	

Nays—None

Senator Ware requested, for the record, that in the event HB 2044 goes to a conference committee, the Senate conferees be instructed to return three separate reports: one on capital outlay, one on educational alternatives and one on educational funding.

MATTERS ON RECONSIDERATION

The motion by Senator Scott that the Senate reconsider the vote by which—

SB 721—A bill to be entitled An act relating to real estate licensing; amending s. 475.25(1)(i), Florida Statutes; providing for placement, by a broker, of funds entrusted to him in escrow or in a noninterest-bearing account with a savings and loan association located and doing business in Florida; providing an effective date.

—passed on May 11, was taken up and adopted; and the Senate reconsidered the vote.

Senator Scott moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 1, line 24, strike “noninterest bearing”

Senator Scott moved the following amendment which was adopted:

Amendment 3—On page 1 in title, lines 5 and 6, strike “a noninterest bearing” and insert: an

SB 721 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Peterson	Thomas, Pat
Castor	Gorman	Plante	Tobiassen
Chamberlin	Graham	Poston	Trask
Childers, Don	Hair	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	MacKay	Scott	Wilson
Gallen	McClain	Skinner	Winn
Glisson	Myers	Thomas, Jon	Zinkil

Nays—None

SPECIAL ORDER, continued

SB 167—A bill to be entitled An act relating to homestead tax exemption; amending s. 196.081(1), Florida Statutes; authorizing certain permanently and totally disabled veterans to claim total homestead exemption with respect to condominiums or mobile homes used as a homestead; extending the real estate exemption for such persons to the surviving spouse of the qualified veteran if the spouse remains unmarried; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims offered the following amendment which was moved by Senator Jon Thomas and adopted:

Amendment 1—On page 1, line 25, strike “or by the veteran’s surviving spouse who remains unmarried,”

Senator Jon Thomas moved the following amendment which was adopted:

Amendment 2—On page 1 in title, strike all of lines 7 through 10 inclusive and insert: mobile homes used as a homestead; providing an

On motion by Senator Jon Thomas, by two-thirds vote SB 167 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Graham	Poston	Trask
Castor	Hair	Renick	Vogt
Chamberlin	Holloway	Sayler	Ware
Childers, Don	Johnston	Scarborough	Williamson
Dunn	MacKay	Skinner	Wilson
Firestone	McClain	Thomas, Jon	Winn
Glisson	Myers	Thomas, Pat	Zinkil
Gordon	Plante	Tobiassen	

Nays—None

Votes after roll call:

Yea—Gorman, Peterson

Consideration of SB 176 was deferred.

On motions by Senator MacKay, the rules were waived and the Senate reverted to Introduction for the purpose of introducing the following bill notwithstanding the fact that the final day had passed for introduction of bills:

INTRODUCTION

By Senator MacKay—

SB 1347—A bill to be entitled An act relating to horseracing; amending chapter 78-39, Laws of Florida, (Committee Substitute for Senate Bill 719 passed by the 1978 Legislature); providing that the provisions of s. 550.42, Florida Statutes, 1977, as created by chapter 77-167, Laws of Florida, shall not expire on July 1, 1979, but shall remain in full force and effect and shall supersede the provisions of s. 550.42(4) and (5), Florida Statutes, 1975; providing that breeder’s awards be paid from

the breaks tax and the balance be deposited in the General Revenue Fund; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 122 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Boyd and others—

HB 122—A bill to be entitled An act relating to the Department of Transportation; creating s. 334.064, Florida Statutes, and amending s. 334.14(4), Florida Statutes, to provide that the operations of the department be organized into six districts; providing for the creation and staffing of the additional district; providing an effective date.

—was read the first time by title. On motions by Senator Myers, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

SPECIAL ORDER, continued

SB 197 was taken up and on motion by Senator Myers, HB 122, a companion measure, was substituted for SB 197. On motions by Senator Myers, by two-thirds vote HB 122 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Castor	Graham	Peterson	Thomas, Pat
Chamberlin	Hair	Plante	Tobiassen
Childers, Don	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Dunn	Johnston	Scarborough	Wilson
Firestone	Lewis	Scott	Winn
Glisson	MacKay	Skinner	Zinkil
Gordon	McClain	Spicola	
Gorman	Myers	Thomas, Jon	

Nays—1

Saylor

SB 197 was laid on the table.

On motion by Senator Peterson, the rules were waived and HB 2044 was ordered immediately certified to the House.

Votes Recorded

By unanimous consent, Senator Hair was recorded as voting yea on SB 1233 which passed May 11.

By unanimous consent, Senator Scott was recorded as voting Yea on SB 1202 which passed May 11.

ENROLLING REPORTS

Senate Bills 387, 481 and 517 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 16, 1978.

Joe Brown, Secretary

Senate Bills 245, 445, 471, 568, 626, 771, 772, 997, 998, 999 and 1148 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 16, 1978.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Zinkil—SB 915; Senator Trask—SB 1108; Senator Wilson—SB 1157; Senator Renick—CS for SB 26

CORRECTION AND APPROVAL OF JOURNAL

The Journals of May 16 and 15 were corrected and approved.

The Journal of May 11 was corrected and approved as follows:

Page 371, column 1, strike lines 17 through 22 and insert:

HB 1075—A bill to be entitled An act relating to administrative procedure; amending various sections and subunits of sections of the Florida Statutes for the purpose of deleting or amending all provisions relating to rulemaking, agency orders, administrative adjudication or judicial review conflicting with or rendered unnecessary by chapter 120, Florida Statutes, as enacted by chapter 74-310, Laws of Florida, and subsequently amended; placing the affected sections of the Florida Statutes of the above agencies in conformity with chapter 120, Florida Statutes, with the following exceptions and clarifications: amending s. 380.10(2), Florida Statutes, relating to emergency orders of the Administration Commission in developments of regional impact; amending s. 120.57(1)(a), Florida Statutes, authorizing the Department of Agriculture and Consumer Services to conduct its own formal hearings under chapter 601, Florida Statutes; amending s. 231.36(6), Florida Statutes, clarifying that district school boards may suspend employees without pay under certain circumstances; amending s. 239.582(1), Florida Statutes, relating to suspension of students for possession or sale of controlled substances; amending s. 601.111(2), Florida Statutes, clarifying that Department of Citrus rules lowering standards during emergencies shall be effective no longer than 1 year; amending s. 601.152, Florida Statutes, clarifying that citrus special marketing campaigns are marketing orders; amending s. 443.07(4)(e), Florida Statutes, limiting venue of review of orders of the Board of Review for unemployment compensation claims; amending ss. 120.57(1)(a) and 443.15(2)(a), Florida Statutes, allowing Department of Commerce proceedings involving disputed unemployment compensation assessments to be conducted by a special deputy; amending s. 394.457(6), Florida Statutes, relating to the Department of Health and Rehabilitative Services, providing that hearing officers' orders authorizing continued involuntary hospitalization shall be final and subject to judicial review; amending s. 322.27(1), Florida Statutes, clarifying that the Department of Highway Safety and Motor Vehicles may suspend drivers' licenses without preliminary hearing under certain circumstances; amending s. 322.31, Florida Statutes, providing that judicial review of suspension or revocation of drivers' licenses shall be in circuit court; amending s. 367.051(2), Florida Statutes, clarifying that any consumer, utility or governmental agency in the affected territory may trigger a Public Service Commission hearing on certification of a water and sewer utility; amending various sections of the Florida Statutes to continue requirements for notice prior to rulemaking or hearings that are in excess of and in addition to requirements in chapter 120; amending s. 120.60(2), Florida Statutes, to require agencies to grant or deny licenses in less than 90 days if otherwise required by law; amending s. 120.72(1), Florida Statutes, to amend the legislative intent of the Administrative Procedure Act; providing an effective date.

Page 371, column 1, line 24, strike "SB" and insert: HB

The Journal of May 1 was further corrected and approved as follows: Page 262, column 1, line 20, before "CS" insert: CS for

The Journal of April 20 was further corrected and approved as follows:

Page 180, counting from bottom of column 2, line 24, before ":" insert: and adopted

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:03 p.m. to convene at 8:30 a.m., May 18, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.